



FEMALE FOETICIDE AND INFANTICIDE IN INDIA: A SERIOUS CHALLENGE FOR THE SOCIETY

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ABSTRACT

The increase in the number of cases of gender selective abortion and female feticide has become a significant social phenomenon in many parts of India, and these social evils are ravaging the internal fabric of the society. The practice of this evil is becoming common in all caste, class and communities of India.

Girls become the target of attack even before they are born. Many scholars have observed that the latest advances in modern medical science - tests such as amniocentesis and ultra-sonography, which were originally designed to detect congenital abnormalities of the fetus and thereby provide proper medical treatment at the right time But now it is being misused as female feticide. With the intention of abortion, this modern medical science and modern medical equipment is used to find out the sex of the fetus. Especially if the sex in the womb is female, then there are chances of miscarriage. The worst case scenario is when a large number of these abortions are performed illegally, due to which the balance of the society starts to deteriorate and this imbalance gives rise to various types of crimes in the society. This paper theoretically analyzes the magnitude of incidents of female feticide and infanticide and mentions it's various causes, various bad effects on the society and government non-government efforts to solve this problem.

I. INTRODUCTION

“Equality between women and man is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace” – Beijing platform for Action (UN Fourth Conference on Women)

On 15th August 2009, Honorable Prime Minister of India, Shri Narendra Modi, while describing female feticide as a "shame", said that the country cannot progress unless women become equal partners in the society. Our President Hon'ble Smt. Pratibha Patil said on 2nd January 2009 that domestic violence, workplace harassment, oppressive attitude, differences in education and proper employment are many such challenges facing Indian women. "I have observed that female feticide is more prevalent in an educated and affluent society". And he appealed to the society to take a pledge to root out social evils like dowry, child marriage, female feticide and alcohol. "Killing the girl child is one of the biggest sins according to the Quran. When a girl is born, Allah comes down to the earth to bless the child and the family is bestowed with all His blessings." The rapid spread and use of ultrasound as well as amniocentesis for sex determination are playing vital role in female foetus-induced abortions which is called as High-tech sexism by Amartya Sen.

In India there is still preference for male child and in some areas of the country the female infanticide is still common. At least 117 million girls around the world demographically go "missing" due to sex-selective abortions according to United Nations Populations fund.

Doctor: It's a little late. Besides, it has grown too large in size to eliminate.

Woman: Does that mean you can't do anything to get rid of it?



Doctor: Hmm, maybe a timely pill or an injection can still kill it. The money charged will increase, of course.

Woman: That's hardly a matter of concern. I just want it done with. (Pause) What will we do with the body, though?

Doctor: Do I need to spell it out to you? (Chuckles.) There's a graveyard close by. Bury it there. Or maybe you could pack it in a plastic bag and toss it into the river nearby. Nobody will know.

Woman: Sounds like a feasible plan. Thank you.

The above dialogue is not a hypothetical conversation; it was part of a sting operation conducted by a team of journalists in one of the leading hospitals in India. The woman is a mother-to-be. If you were wondering about the repetition of the pronoun 'it,' be ready to understand that the subject discussed is the woman's unborn girl child.

Yes, this is an actual conversation between a pregnant woman and her gynecologist.

While instances of abortion aren't newsflash in India or any other nation, the cruelty being flaunted in this particular case is, for lack of a better word, horrifying. This exchange was captured and aired by a television programme called Satyamev Jayate which attempts to throw light on the brutal underbelly of India's supposedly sophisticated society.

In Indian society, female foeticide has emerged as a burning social problem during the last few years. The girl child in India is treated right from her birth as an additional burden an extra mouth to feed, a liability and another man's property. The birth of a son is regarded as essential in Hinduism and many prayers and lavish offerings are made in temples in the hope of having a male child. Modern medical technology is used in the service of this religion driven devaluing of women and girls. Woman is created par with man in all aspects. "Women have equal rights with men upon earth; in religion and society they are a very important element. Divine Justice demands that the rights of both sexes should be equally respected since neither is superior to the other in the eyes of Heaven." These authoritative statements from the Bahai's writing are regarded by Bahai's as expressions of the Divine Will. To deprive women arbitrarily of their rights and privileges, or to deprive them to even being born or killing them in infancy is both immoral and unjust, a violation of God's law. It has a detrimental effect on the society and the individuals who are involved in this practice are responsible for such acts, but does the Indian society accept this reality? If so why female foeticide and female infanticide are on the increase? The sex ratio has altered consistently in favour of boys since the beginning of the 20th century, and the effect has been most pronounced in the states of Punjab, Haryana and Delhi. It was in these states that private foetal sex determination clinics were first established and the practice of selective abortion became popular from the late 1970s. Worryingly, the trend is far stronger in urban rather than rural areas, and among literate rather than illiterate women.

What's Female Foeticide? Female foeticide is the practice of aborting a fetus when a person finds that the fetus is female after a sex determination test known as a prenatal diagnostic test.

II. CURRENT SCENARIO IN THE CONTEXT OF FETICIDE IN INDIA

India is the second most populous country in the world with 1.25 billion people, while China tops the list with over 1.35 billion people. Statistics show that India represents about 17.31% of the world's



population, which means that one in six people on this planet live in India. An estimated 26 million babies are born in India every year which is about 4 million more than the population of Australia. It may be mentioned that during the year 2001-2011, the population of the country has registered an absolute increase of 181 million, while the population of children in the age group of 0-6 years has registered a decrease of 5.05 million during this period. The decline is 2.06 million among male children and 2.99 million among female children. The share of children (0-6 years) in the total population has shown a decline of 2.8 points in 2011 as compared to the 2001 census.

The 2001 Census indicates that while the overall sex ratio of the country has increased (927 females per 1000 males in 1991, 933 females per 1000 males in 2001), the child sex ratio (in the 0-6 age group) has increased. Almost all the states saw a decline as compared to the 1991 census. There are 800 girls per 1000 boys in 16 districts of the country. Of these, 10 are in Punjab, 5 in Haryana and 1 in Gujarat. That is, 200 girls are missing for every 1000 boys in these districts. In addition, there were 70 districts in the country in 2001 where the decline in child sex ratio was more than 50 points as compared to the 1991 census.

Sex Ratio (females per 1000 males)

1901 - 972 female/1000 male

1911 - 964 female/1000 male

1921 - 955 female/1000 male

1931 - 950 female/1000 male

1941 - 945 female/1000 male

1951 - 946 female/1000 male

1961 - 941 female/1000 male

1971 - 930 female/1000 male

1981 - 934 female/1000 male

1991 - 927 female/1000 male

2001 - 933 female/1000 male

2011 - 940 female/1000 male

THE GIRL CHILD IN INDIAN SOCIETY:–

- Every sixth girl child's death is due to gender discrimination.
- One –third of these deaths take place at birth.
- 1 out of every 3 girls does not live to see her 15th birthday.
- Females are victimised far more than males during childhood.
- 1 out of every 10 women reported some kind of child sexual abuse during childhood, chiefly by known persons.
- 1 out of 4 girls are sexually abused before the age of 4.
- 19% misbehave between the ages of 4 and 8.
- 28% abuse between the ages of 8 and 12.
- 35% abuse between the ages of 12 and 16.
- 1 in 6 girls won't live to see her 12th birthday.
- 3 lakh more girls die every year than boys.



- Death rate among girls below the age of 4 years is higher than that of boys. Even if she escapes infanticide or foeticide, a girl child is less likely to receive immunisation, nutrition or medical treatment compared to a male child
- Female mortality is higher than male mortality in 224 out of 402 districts of India.
- 53% of girls in the age group of 5 to 9 years are illiterate.
- Every year 27,06,000 children under the age of 5 die in India. Wherein girls die more than boys.

III. CAUSES OF FEMALE FOETICIDE

i) "Male Children are a Better Investment - "The main reason is the idea that the male offspring will better support the family. Since sons are seen as the main source of income, even though today, women have many career options, the common misconception still remains that it is the male who will help run the house and look after his parents, while women are viewed as being like cargo, something to be shipped off to another household.

ii) "Female Children Are a Gamble - "In India, the age-old dowry system puts a damper on the spirits of those who are blessed with a girl child. When a girl is born, the parents begin to calculate the expense of her future marriage, the lump sum that will be paid to the future groom's family. They worry that currency may depreciate and inflation may skyrocket. Because of this, the birth of a girl is seen as a tragedy waiting to happen.

iii) Women Don't Have Status in Society - As a result of institutional and cultural sexism, female children and adults have less power, status, rights, and money. Even as adults, it's harder for females to take care of or make decisions for themselves. Centuries of repression have made inferiority second nature to most women who have been taught the role of the meek, submissive, docile wife who works relentlessly to cater to the whims of her husband. Female feticide often happens with the explicit consent of the mother. Even the mothers-to-be agree to this misdeed out of an inherited cultural bias and a sense of duty to the family.

iv) Foul Medical Ethics - With the legalization of abortion in India, illegal sex determination and termination of pregnancies have become everyday realities. Professionals in the medical field are only too glad to help parents realize their dream of a healthy baby boy. Female feticide is openly discussed in the medical profession and many pin boards outside clinics have advertisements for abortion that read, "Pay Rs. 500 [\$10 US] today to save the expense of Rs. 500 000 [\$10,000 US] in the future." The cost of an abortion is nothing compared to the expense of having a child, especially a girl.

v) Industrial Growth - Industrialization of the health sector has further established the practice of sex-selective abortion. With the advent of CVS, amniocentesis, and ultrasound, sex determination of the fetus has become much easier. These manufacturers of high-tech equipment and gadgets benefit from the preference for male children. Many hospitals are known to sign long-term contracts with the firms involved in the production of these types of machines. Often, a healthy percentage of the profit is shared with the hospital, and both parties enjoy the fruits of rewarding a death sentence.



vi) Education - Due to illiteracy, people are unaware about the power and role of women in today's era. The role of education has a great influence on the sex ratio scenario of India. Child marriages are a common part of the Indian society. Most of the girls are prone to the issue of child marriage at a very early age. This makes them to stay away from the education and are compelled to take the responsibilities of the household.

vii) Poverty – Poverty is one of the factors which is responsible for the declining sex ratio. States like Tamil Nadu have a high sex ratio but the poverty rate is low. There are states wherein due to poverty, a lot of girls are denied of nutritious food. This deprives the women and girl child from a living a healthy life.

viii) Social status of women - In most parts of India, women are merely considered as an object. People are worried about the dowry issue with the birth of a girl child. Due to financial problem, most of the families in rural areas prefer male child over female.

ix) Lack of empowerment of women - There is a lack of empowerment of women especially in the rural areas. Women do not enjoy opportunities as men do. Due to lack of education, women are unable to establish their roles in many places. The state of Uttar Pradesh has become like a grave for girls.

x) Male domination - Majority of the places in India follow the patriarchal system. In India, males are considered to be the only bread earners. The methods of sex determination and female foeticide are adopted which is the main reason of decreasing number of females especially in North India.

xi) Infant and Maternal Mortality - Infant mortality rate is the number of death of babies before the age of one. Due to female foeticide, the sex ratio declines terribly. Maternal mortality also contributes to the declining sex ratio as most of the women die during the childbirth due to improper care and less facilities.

xii) Impact of Population Policies - Under family planning policies, families want one or two children and generally prefer male child over female child. It is also true in case of China which had adopted one-child policy for long and has huge male population now.

IV. THE LONG-TERM CONSEQUENCES OF ABORTING FEMALE FETUSES

As Newton's third law of motion states, "For every action there is an equal and opposite reaction." The after-effects of female foeticide are far-reaching. Blinded by their desire for male children, most parents are unaware of the calamity they invite by inadvertently indulging in female foeticide.

i) Heterogeneous Sex Ratio: The number of girls in India is declining with every passing decade. From 962 and 945 girls for every 1000 boys in 1981 and 1991 respectively, the ratio fell to the lowest level of 914 girls born for every 1000 boys in 2011. In China, the ratio is an alarming ratio of 100 girls to 118 boys (or 848 girls). 1000 for boys). These are just two examples of nations caught in the vicious circle of abortion, but many other countries also struggle with skewed sex ratios.

ii) Female/Women Trafficking: The steep decline in the number of girls makes them scarce for the



teaming number of males eligible for marriage. As a result, illegal trafficking of women has become commonplace in many regions. Women, often young girls who've just crossed the threshold of puberty, are compelled to marry. Many young girls are kidnapped from their parents and sold to the highest bidder. Child marriages and pregnancies have a devastating consequence. When a region participates in the trade of its female population, the present and future psychological cost is alarming.

iii) Increase in Rape and Assault: Once women become an endangered species, the instances of rape, assault, and violence become widespread. When there are fewer available females, the surviving ones will be faced with the reality of handling a society driven by a testosterone high. The legal system may offer protection and, as is the situation today, many crimes may not ever surface for fear of isolation, humiliation, and punishment on the girl's part.

iv) Population Decline: With no mothers to bear children (male or female), there will be fewer births, leading to a decline in population. Though population control is currently the goal of many nations like China and India, a total wipeout of one sex is not the way to achieve this target.

v) Coitus rate: Coitus rate denotes the rate of ladies to males in a specific region. Numerous practices like womanish foeticide and womanish infanticide (killing a baby girl after her birth) have had a contrary influence on the coitus rate. Therefore, it rises and promotes numerous social immoralities. As per the decennial Indian tale, Coitus Rate of India is 107.48. It means 107.48 males per 100 ladies in 2019. Thus, India has 930 ladies per 1000 males. So, India has 48.20 womanish population compare to 51.80 manly population.

V. EFFECTIVE MEASURES TO CONTROL

As we all know that womanish foeticide is a crime and social wrong for the future of women. Hence, we should notice the causes for womanish foeticide in Indian society. Womanish infanticide or womanish foeticide is primarily because of coitus determination. Some measures are

- Law must be enforced, and one should be surely penalized if plant shamefaced for this unkind exercise.
- If it is practiced in medical practice then there should be endless cancellation of license.
- Marketing of medical tools specifically for illegal coitus determination and revocation should be a bane.
- Parents must be fined who want to kill their girl baby.
- Women should be apprehensive so that they can become more aware of their rights.
- Juggling and forums should be organized regularly to apprehend the young couples.

CREATING SOCIAL AWARENESS

Increased awareness of the problem has led to a number of campaigns by celebrities and journalists to combat gender-selective abortion. To raise awareness of this widespread practice, the first episode of the show Satyamev Jayate was dedicated to Daughters Are Precious, and focused primarily on western Rajasthan, which is considered one of the regions where this practice is common. Rapid response was



shown by local government in Rajasthan after the airing of this show, showing the effect of media and nationwide awareness on the issue. The authorities resolved to set up fast-track courts to punish those who perform gender-based abortions. He canceled the licenses of six sonography centers and issued notices to many others.

This has been done on the smaller scale. Cultural intervention has been addressed through theatre. Plays such as Pacha Mannu, which is about female infanticide/foeticide, has been produced by a women's theatre group in Tamil Nadu. This play was showing mostly in communities that practice female infanticide/foeticide and has led to a redefinition of a methodology of consciousness raising, opening up varied ways of understanding and subverting cultural expressions.

The Beti Bachao, or Save girls campaign, has been underway in many Indian communities since the early 20th century. The campaign uses the media to raise awareness of the gender disparities creating, and resulting from, sex-selective abortion. Beti Bachao activities include rallies, posters, short videos and television commercials, some of which are sponsored by state and local governments and other organizations.

RELIGIOUS LEADERS ON FEMALE FOETICIDE

On April 20, 2011 a widely respected and one of the oldest Islamic seminaries in Lucknow has said that female foeticide was nothing less than a murder and was not permitted in Islam. In a "fatwa", the Lucknow-based Darul Uloom Firangimahal has said that it is "un-islamic" to abort the foetus after determining its sex. Islam does not permit abortion, said Maulana Khalid Rashid Firangimahali, chief of the institution and a senior member of the All India Muslim Personal Law Board, an apex organization of the Muslim community in the country.

In a show of unity, several religious leaders assembled at New Delhi on June 24, 2006 and pledged to launch a nationwide movement for the abolition of female foeticide. Condemning the increasing inhuman and shameful practice of female foeticide, they said: At this national convention of religious leaders, we all take oath that we would use all resources at our command to propagate to the masses to shun the atrocious act of female foeticide in our country. The National Convention of Religious Leaders on Abolition of Female Foeticide and Infanticide was organized by the Indian Medical Association, the UNICEF and the National Commission for Women in the context of the alarming decline of female population, as indicated in the latest Census.

LEGAL PROVISION TO CONTROL THIS PROBLEM

THE CONSTITUTION OF INDIA, 1950

Section 312 of the Indian Penal Code 1860 read with the Medical termination of Pregnancy Act, 1971 where all the restrictions imposed therein, including the time limit of 20 weeks, other than the ones to ensure good medical conditions, infringe the right to abortion and the right to health, which emanate from right to life as guaranteed under Article 21 of the Constitution. Right to abortion is a species of right to privacy, which is again proclaimed a continuance of the right to life under Art 21 of the Constitution.



THE INDIAN PENAL CODE, 1860

Sections 312-316 of the Indian Penal Code (IPC) deal with miscarriage and death of an unborn child and depending on the severity and intention with which the crime is committed, the penalties range from seven years of imprisonment and fine to life imprisonment.

Section 312. Causing miscarriage

Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Explanation:-A woman who causes herself to miscarry, is within the meaning of this section.

Section 313. Causing miscarriage without woman's consent

Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with [imprisonment for life] or with imprisonment of either description for a term which may extend to ten years.

Section 314. Death caused by act done with intent to cause miscarriage

Whoever, with intent to cause the miscarriage of woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term may extend to ten years, and shall also be liable to fine.

If the act is done without the consent of the woman, shall be punished either with [imprisonment for life] or with the punishment above mentioned. Explanation: - It is not essential to this offence that the offender should know that the act is likely to cause death.

Section 315. Act done with intent to prevent child being born alive or to cause it to die after birth. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years or with fine.

Section 316. Causing death of quick unborn child by act amounting to culpable homicide

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years.

THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971



The Medical Termination of Pregnancy Act, 1971 was conceived as a tool to let the pregnant women decide on the number and frequency of children. It further gave them the right to decide on having or not having the child. However, this good intentioned step was being misused to force women to abort the female child. In order to do away with the lacunae inherent in previous legislation, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was passed in 1994, which came into force in January 1996. The Act prohibited determination of sex of the foetus and stipulated punishment for the violation of provisions thereof. It also provided for mandatory registration of genetic counselling centres, clinics, hospitals, nursing homes, etc.

THE PRE-CONCEPTION & PRE-NATAL DIAGNOSTICS TECHNIQUES (PC & PNND) ACT, 1994 (PCPNND ACT 1994):

The Pre-conception & Pre-natal Diagnostics Techniques (PC & PNND) Act, 1994 was enacted in response to the decline in Sex ratio in India, which deteriorated from 972 in 1901 to 927 in 1991. The main purpose of enacting the act is to ban the use of sex selection techniques before or after conception and prevent the misuse of prenatal diagnostic technique for sex selective abortion.

Offences under this act include conducting or helping in the conduct of prenatal diagnostic technique in the unregistered units, sex selection on a man or woman, conducting PND test for any purpose other than the one mentioned in the act, sale, distribution, supply, renting etc. of any ultra sound machine or any other equipment capable of detecting sex of the foetus.

The act was amended in 2003 to improve the regulation of the technology used in sex selection. The Act was amended to bring the technique of pre conception sex selection and ultrasound technique within the ambit of the act.

The amendment also empowered the central supervisory board and state level supervisory board was constituted. In 1988, the State of Maharashtra became the first in the country to ban pre-natal sex determination through enacting the Maharashtra Regulation of Pre-natal Diagnostic Techniques Act.

Main provisions in the act are:

- The Act provides for the prohibition of sex selection, before or after conception.
- It regulates the use of pre-natal diagnostic techniques, like ultrasound and amniocentesis by allowing them their use only to detect few cases.
- No laboratory or centre or clinic will conduct any test including ultrasonography for the purpose of determining the sex of the foetus.
- No person, including the one who is conducting the procedure as per the law, will communicate the sex of the foetus to the pregnant woman or her relatives by words, signs or any other method.
- Any person who puts an advertisement for pre-natal and pre-conception sex determination facilities in the form of a notice, circular, label, wrapper or any document, or advertises through interior or other media in electronic or print form or engages in any visible representation made by means of hoarding, wall painting, signal, light, sound, smoke or gas, can be imprisoned for up to three years and fined Rs. 10,000.
- The Act mandates compulsory registration of all diagnostic laboratories, all genetic counselling centres, genetic laboratories, genetic clinics and ultrasound clinics.

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNND), was amended in 2003 to The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition Of Sex



Selection) Act (PCPNDT Act) to improve the regulation of the technology used in sex selection. The Act was amended to bring the technique of pre conception sex selection and ultrasound technique within the ambit of the act. The amendment also empowered the central supervisory board and state level supervisory board was constituted.

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VI. CONCLUSION

“Yatra Naranthya Pujyathe Raman The Tatra Devatha” has been our culture. In our country a girl is worshiped as a Devi on one hand and denied her existence on the other as if she has no right to live. Time has perhaps come for us to get rid of male chauvinism and treat children as gifts of nature regardless of their gender. We cannot imagine a society in the future where there will be only males and no females. The society will be full of crimes and evils. Only if legislations enacted in this behalf are not sufficient. Orthodox views regarding women need to be changed. The PNDT Act should penalize and punish the violators of this crime strictly. The pernicious acts of female feticide and coercive abortions have to end before women becomes endangered species.

Forthcoming is the name of your girl child; history is the name of your mama. This is the reality that NO PRESENT, NO PAST, NO FUTURE WITHOUT GIRL CHILD. Womanish foeticide is self-murder. So, save the girl child and secure the future. There will be the dangerous results of the womanish foeticide. Demography reports advise India that in the coming twenty times there will be a failure of misters in the marriage request substantially because of the adverse coitus rate.

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