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# Healthy Life Still Remains a Distant Dream for Women in India

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MEGHNA SHARMA<sup>1</sup>

## ABSTRACT

*Women in India have made a lot of progress in almost all sectors of economy. They have created a niche in art, science, business or corporate world. But, it is heart wrenching to see that, they are still wrapped in the stereotypes prevailing in the society. Sometimes, these stereotypes and discrimination against women lead to major health issues which are either less known about or not acted upon. India still bears the pain to see the various practices like hysterectomy or female genital mutilation (FGM) being still practiced in the nation. India is currently under the impact of a contagious virus, COVID-19. The public and the authorities have acted upon eliminating the virus and treating the patients with utmost urgency because there is a fear of losing lives on a large scale as the virus is contagious. But, sadly when it comes to addressing the health issues associated with practices like prostitution or child pornography, the authorities even after making laws against it lack implementation. A large number of women in India have either lost their lives or the quality of their lives due to major health issues which are a result of these practices. Sometimes, the suffering is due to work or religion and at other times, due to the taboos existing in the society or the wrecked mentality of people. This article aims at highlighting these issues and the loopholes in law and implementation in order to protect the health of women who become a victim of such practices. The article also aims at conveying that though these health issues are not contagious, but are still affecting lives of thousands of people and require urgent attention.*

## I. INTRODUCTION

India is the second most populated country in the world, with a population of around 1.38 billion. The nation has at times struggled in order to provide the right living conditions for such a huge number of people living in the country. On the contrary, in the current situation where the nation is under lockdown, the pandemic of COVID-19 has become a major concern among the public and the authorities. Immediate actions were taken by the government and the judiciary in order to stop the spread of the contagious virus. The actions and the decisions made

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<sup>1</sup> Student of Symbiosis Law School, Noida, India.

by India was appreciated globally. However, a large population of India suffers from various other diseases but fails to capture the attention of the public and the government. The lack of attention might be due to the fact that, not all of the diseases are contagious and results into negligence on the part of the health care department of the nation. In India, around 48.04% of the population comprises of women. Women today are seen working in almost every sector of economy but, are still trapped in the stereotypes prevailing in our society. In fact, the struggling status of women in the society has lead to various health issues, which are either a result of the patriarch religious beliefs, the discrimination in the professional front or even in their own families.

There are various practices that exist either locally or nationally which are responsible for the deteriorating health condition among women. It is disheartening to see the ignorance of the people and the government regarding these practices. Hysterectomy, Female Genital Mutilation, Prostitution, Child Pornography are a few to mention.

## II. HYSTERECTOMY- REMOVING THE UTERUS OF WOMEN

In between the years 2016 to 2019 almost 4,500 women in the Beed district of Maharashtra have gone through the process of Hysterectomy. According to a survey conducted by Maharashtra State Commission for Women in 2018, out of 200 women who were surveyed in the Beed district, 36% of them had gone through Hysterectomy.<sup>2</sup> It is a surgery to remove the uterus of the women. The majority of these women are sugarcane cutters and migrate to the sugar belt during the cane cutting season in Maharashtra. It is the contractors in these villages who suggest and force the women to get the surgery done. The idea is to employ women who do not menstruate. Sometimes, during menstruation, the women tend to take a day or two off from work which hampers the production. In order to avoid such a situation, the contractors insist on getting the wombs of the female workers removed. In fact, the doctors too, suggest the women who even belong to the age group of 20 to 30 years of age to get the surgery done. The doctors who are in a tie up with the contractors falsely scare the women to get the womb removed and provide them with wrong medical advice and scary consequences like cancer. In fact, the women in this district had revealed that the contractors provide them the money for the surgery, which is later recovered from their wages.<sup>3</sup> As a result of this practice, the women

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<sup>2</sup> Maharashtra: At 36%, hysterectomies in Beed district 'unusually' higher compared to state, India, THE INDIAN EXPRESS (June. 13, 2019, 3:22 AM), <https://indianexpress.com/article/cities/mumbai/maharashtra-hysterectomies-in-beed-district-unusually-higher-compared-to-state-india-5777912/>.

<sup>3</sup> Jyoti Shelar, A harvest of crushed hopes: Why number of hysterectomies are high in Maharashtra's Beed district, THE HINDU (Aug. 10, 2019, 11:41AM), <https://www.thehindu.com/news/national/other-states/in-beed-a-harvest-of-crushed-hopes/article28969404.ece>.

in this area have been facing serious health issues since a long time. The NGOs and women commissions have been seeking the assistance of the government which they are yet to avail. There are no concrete steps being taken by the state or national governments to curb this practice.

### III. FEMALE GENITAL MUTILATION-A SOURCE OF MANY DISEASES

The women have been facing health issues not only due to exploitation as workers but have been a victim of religious practices as well. Female Genital Mutilation also known as *khatna* or *khafz* is a religious practice of the Dawood Bohra community of the Muslims. It is a procedure of removal of the clitoral hood of the girls, mostly at the age of seven. The idea behind the practice is guarded by years of patriarchy. The idea is if a woman does not experience the pleasure in sexual act, she will never get involved in adultery or bring shame to the society. A PIL was raised in the Supreme Court against the practice, as it has the possibility of leading into complications later which include difficulty during delivery, urine infection and also sepsis.<sup>4</sup> The said PIL is still pending, while the spiritual leaders of the community claim that, it is just a minor procedure that involves removal of the clitoral hood and does not damage the clitoris of the female. However, the medical practitioners claim that it is impossible to remove the clitoral hood without damaging the clitoris partially or entirely. According to the recent statistics provided by UNICEF, at least 200 million women alive today have gone through FGM world wide.<sup>5</sup> The WHO has classified FGM as a gross violation of human rights. It also violates the rights guaranteed under the Universal Declaration of Human Rights. The Bohra community however opposes the ban by claiming it to be a religious practice and thus demand protection under Article 25 and 26 of the Constitution. The western countries have already started taking strict actions against the practice. However, in India there is no law against the practice yet.

These are the practices which are still practiced in India but due to lack of awareness are not known by the majority of the population. But, women are also badly affected by the wide spread practices like prostitution and child pornography. There exists laws for protection against such practices but the lack of implementation has led to various health issues among the women.

### IV. PROSTITUTION

Amidst the debate of whether or not prostitution should be legalized, lies the question-how can

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<sup>4</sup> Sunita Tiwari v. Union of India, WP (C) 286/2017.

<sup>5</sup> Accelerating Change, UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation, Annual Report, 2018, UNITED NATIONS POPULATION FUND, <https://www.unfpa.org/fgm-annual-report>.

the poor health condition of the sex workers be improved? There have been views that legalizing prostitution would help in improving the health conditions and immoral trafficking of women, but reality is mind boggling. Even after various regulations that exist to protect the women against commercial sexual exploitation, thousands of sex workers are still suffering through major health issues and are void of proper treatment. Article 23 of the Indian Constitution prohibits the trafficking of human beings and forced labour which includes commercial sexual exploitation as well. In fact, there are special legislations too like the Immoral Traffic (Prevention) Act, or ITPA and the Goa Children's Act. Also, the provisions of the IPC provide protection under sections 366A, 366B, 372 and 373. But, the truth is there are thousands of women in the red light areas all over the country like in Sonagachi in Kolkata, Kamathipura in Mumbai, Meergunj in Prayagraj and various others that have thousands of prostitutes earning their living in these streets. Despite all the existing laws, there are women of different age groups who are forced in the profession due to various circumstances and suffer through sexually transmitted diseases, unwanted pregnancies, forced abortions and rape. In fact, life is miserable for their children too. They eventually suffer due to poverty and are unaccepted by the society.

## V. CHILD PORNOGRAPHY

Child pornography has been banned by the centre but there are no specialized agencies that are formed to carry on a thorough investigation. According to recent records, the users in India have uploaded around 25,000 pictures and videos of child pornography.<sup>6</sup> The people uploading it are well hidden under the veils of dark web and the number of creation and circulation of such pictures and videos are rising enormously in the nation. Though it affects both under-age boys and girls, but the number of obscene pictures and videos of girls are much higher in number. Innocent little girls are tricked into pornography by the users of dark web, which later affects their physical and mental health. In fact, these materials are circulated even through the social media, which do not remove them easily from their websites to generate maximum revenue and visibility. According to the recent reports of the National Crime Records Bureau (NCRB), 781 new cases of creation of child pornography were recorded in 2018.<sup>7</sup> Despite the fact that, the IT Act, clearly prohibits the creation and circulation of child pornography through

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<sup>6</sup> Sonali Acharjee, *The Dark Web of Child Porn*, INDIA TODAY (Mar. 18, 2020, 11:56 am), <https://www.indiatoday.in/magazine/cover-story/story/20200302-investigating-the-dark-web-of-child-pornography-1648211-2020-02-21>.

<sup>7</sup> Press Trust of India, *109 children sexually abused every day in India in 2018: NCRB*, INDIA TODAY (Jan. 12, 2020, 6:54 PM), <https://www.indiatoday.in/india/story/109-children-sexually-abused-every-day-india-2018-1636160-2020-01-12>.

internet, the uploaders still upload and circulate such content. In fact, such recordings are also done in homes by the acquaintances, friends and relatives and also by the child traffickers. There have also been cases where the families of the girls were later blackmailed through the videos made by the users. The under-age girls are still in danger and suffer with various medical conditions for a very long period of time.

## **VI. THE ROAD AHEAD**

These are just a few issues that are badly affecting the health of women in India, and still go unnoticed by the public and the authorities. In some of the cases there are no laws made like in case of hysterectomy and FGM. On the other hand, there lies lack of implementation of laws which are made to protect the women and their health conditions like in the case of prostitution and child pornography. It is high time that the worsening health condition of women is treated with utmost urgency. The horrendous act by the contractors in the Beed district of Maharashtra must be dealt with severe legal consequences. Though there have been committees set for investigation after the continuous requests of the NGOs, it is very important there is also right implementation that follows. People involved in forcing or compelling women for hysterectomy like the contractors and doctors must be tracked down by these committees for further actions to be taken against them.

Practices like FGM are much wide-spread and have victims all over the world. However, with various countries illegalizing it, India has become a hot-spot of FGM. Its important that the judiciary speeds up its actions and puts a ban on this practice as soon as possible. Awareness is another important step in achieving the target. For people to demand justice, it is important for them to have proper knowledge of the same. Every citizen in the country has the right to life under Article 21 of the Constitution. Thus, women can't be forced to go through such practices by compelling or inducing them. It is time that, the women stop suffering in the name of religious practices which are arbitrary in nature.

The law in the country deals with prostitution and aims at protecting women from commercial sexual exploitation, But, on the contrary, the present condition of the sex workers do not project a very good picture of the implementation of laws. Child trafficking and abduction still happens in large number, exploiting the health and lives of thousands of women. Prostitution is still a taboo in the society and its important that, these women get the required help from the government and the legal system to improve their poor health conditions.

It is important that the Recommendations made by the Rajya Sabha Committee in February 2020, be implemented with full conviction to address the rising number of child pornography

in the nation.<sup>8</sup> Cyber grooming or counselling children in relation to sexual activities for the creation of pornography below 18 years of age must be made an offence under Protection of Children from Sexual Offences (POCSO) Act. Sex education is another way out of such problems. Its extremely important for the children to know their bodies and also their rights.

Just because these health issues are not public health crisis, does not mean that the health department can ignore the consequences on the group of people that are affected by these issues. These health issues faced by women have to be treated with urgency to avoid the worsening condition of women who are equally important for the progress of the social and economic growth of the nation.

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<sup>8</sup> Report of the Ad-hoc Committee in the Rajya Sabha to study the alarming issue of pornography on social media and its effect on children and society as a whole, Submitted to Chairman, Rajya Sabha (Jan. 25, 2020) [https://rajyasabha.nic.in/rsnew/Committee\\_site/Committee\\_File/ReportFile/71/140/0\\_2020\\_2\\_16.pdf](https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/71/140/0_2020_2_16.pdf)