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REPRODUCTIVE RIGHTS IN INDIA

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ABSTRACT

India has its own status and recognition through the constitutional ties . We can notice that , women from the ancient times are not considered to be as strong but always condemned to be as ‘weaker sex’ which we find that the existing systems are just a growth of the past . A lot of women have suffered due to this which they seemed to be victims affecting themselves at all dimensions that has led the society affected in all ways . We can find that the advent of British to India paved a way to new thoughts which made the people to think regarding the contribution of equitable circumstances . Various social reformers worked for the sake of eradication such mean practices that has been remarked as tremendous contribution towards the new legislations and rights to be formed . Today the world has stepped down into the technological advancement and modern livings . Through the education and awareness the women realized their positions in the society which was a positive development among them . This has made the GOI to pass many legislations with regard to this which has been a protective shield to women till today . The major aspect that was seen was the right over reproduction which the women after all must have the complete control over it . Due to the male dominated society we find that , the harassments physically , sexually and mentally are being taken place . The essay paper completely consists of all the dimensions in which the existing systems of evil practices are brought under control through better programmes.

Keywords: Reproduction Rights , various dimensions , Women empowerment

INTRODUCTION

If we look into the life of a woman, we can notice that the crucial stage is reproduction . In ancient systems women were puppets in the hands of the males which they had to obey the words and orders of them that hindered them with the capacity to represent themselves in the society. The health and women’s life due to various stereotypic practices we can say that , has been a misery and burden to

themselves that they wanted to get away from it . Not only that , various health and investigative reports often said that the reproduction must be under the wishes of women so that they do not suffer .With this regard , from 1946¹ we can see that women were protected from all forms of discrimination . In 1994 with deliberative discussions the concept of “reproductive health”² was formed so that both men and women have a clear family planning without any disparity and affect to any one gender. The sole intention was to maintain a systematic and dignified living, which through ICPD conference³ cleared the fact that the women’s sexual life and reproduction connects towards to the overall rights guaranteed by the constitution . When women are given with right to life ,it’s a evident fact that they must be ensured with the reproductive rights which support themselves in leading a better life . By being a member nation in all these conferences that we find that , India has tried to adopt itself with all the required aspects that has been in the way of aiming towards the women’s protection towards the achieving of equality in all terms . We find right from the 19th century various legislations are considered and further it is that, in the modern parliament varietal legislations are passed that has proven women are supported with the best so that they remain upheld in all matters.

KEY POLICIES IN ADDRESSING SEXUAL HARASSEMNT

The GOI looking into times brought in variety measures with ultimate intention that the women represent themselves at the safer levels . The Sexual Harassment at Workplace act 2013⁴ has made ultimate impression over the security of women’s life . The POCSO act⁵ also tremendously counters over the illegal practices . The fundamental rights has guaranteed safety to life of women continued to the duty of removing the in derogatory practices . In 1860, Indian Penal Code⁶ which enables that women are to be with utmost rights connecting with industrial reforms . The POSH act 2013⁷ was started and later we find that in 2019 got relaxed which the sexual harassment was condemned . Whenever the rape and criminal offences take place the legislations work better with the Sec 534 of the constitution for the molestation . . The protection of women from Dowry act 1961 which ensures

¹ <https://www.unwomen.org/en/csw>

² <https://www.who.int> last vis 12 February 2022

³ <https://www.unfpa.org> last vis 20 Feb 2022

⁴ <https://vikaspedia.in> last vis 19 Feb 2022

⁵ Joshi ,Nayan, Protection of Children from sexual offence,2012 ,Lawman publications , Delhi ,2018

⁶ Chand, Y,V , THE INDIAN PENAL CODE,1860, LEXIS NEWIS PUBLICATIONS ,Delhi, 2019

⁷ <https://legislative.gov.in>

that women are safe and not harassed for dowry . The prohibition of Domestic Violence act 2005⁸ stops from harassment of women at homes in all forms. The setting of commissions for women at National, state and local levels are found . Constant efforts over the promotion of the property rights and political representations with 33% reservation are the improvements . The Hindu marriage acts and Special marriage acts from 1954-56⁹ have been tremendous in safeguarding women at all means

ADOPTION IN INDIA: LEGAL AND SOCIETAL CHALLENGES

In the adoption systems established, we find that 1956 Hindu adoptions act¹⁰ ensures and enables that, they can adopt the child but special care taken in terms of girl child. The abandoned child can be adopted by the single parent. The physical and mental fitness of parents are assured before adoption. The Guardians and wards act of 1890¹¹ says regarding being legally take carers of the child and utmost care must be taken. So normally the both parents are consulted and specially the consent of mother is necessary. With the women are considered higher here and giving a child in adoption when father is dead is also possible. The looking after the child is in a naturalistic way. If more than one wife, first wife will be adoptive mother. The Juvenile Courts strictly provides that harm or harassment to the child should not take place. The renunciation of adoption cannot take place. Nowadays the consultancy among either of couples is necessary. But in the adoption it is to be proved that the children are not harassed, but looked after carefully. Though there are various religious rules, the similar rules are same . The case will be heard in court and then legal adoptions are made. The Central Adoption Resource Authority is a spokes to control and mandate all the regulations in the need of time in providing over the adoption seeking in its results that provides rules and regulations. For citizens and NRI different aims are to be fulfilled. Therefore the age gap must be 25 years between parents and child. The adoptive parents must be financially strong, no diseases found, should not have more than 3 children, maximum age is 55 years. Along with registration a process of registration continued by reference to child and acceptance of child. This process continues the petition with the lawyer and foster care is taken. Further the court hearing and court order is issued. Similarly we can say that adoption makes the women and child to suffer the mental trauma of which they need to bear.

⁸ <https://www.indiacode.nic.in>

⁹ <https://highcourt.gov.in>

¹⁰ <https://tcw.nic.in>

¹¹ <https://indiankanon.org/doc/1874830/>

The women are often not looked with a great respect instead insulted in all terms. The acceptance of child is the greatest challenge in society. The legally acceptance in reality of giving maximum to the child can lead to problems at the hardest circumstances.

ABORTION RIGHTS

The Medical Termination Act 1971¹² was for safe and legal abortion under 20 weeks ,which continued and amended in 2021 giving women the full priority for safe abortion rights which was to follow procedure without the seek from the male member . even having health issues the termination can be done and cases of abnormalities , rape cases under legal sections with the Indian Medical Council Act¹³ . With the mandatory report and filing of cases the SRH cases analyzed the actions are produced and taken. The laws applies in case of the minors to constitute into different measures . But certain precautions are taken with the misuse of the determining of sex . But clear evaluation into the legal procedure has to be followed and decentralization of rights could be evaluated. Nowadays the 24 weeks tenure is provided and with certain relaxations at the abortion systems . Under the gender justice we find that equal circumstances are provided but women due to the health factors are given better options regarding this .

INFERTILITY AND SURROGACY

The fertility segment in India is a betterment working setups which would gain into the emerging markets . The Reproductive Technology Bill¹⁴ , has promoted major centers , with ethical modes in terms of women for the sake of reproduction . So the clinics which have the facility get into the registration process of the protection and security of women with better plans .The procedural workings are same as in terms which the couples must know all the aspects . The reproduction includes varietal factors like the lifestyle , clinical systems . Regarding the IVF procedure we can see that ,legal complications arise when the donors allege contrasting the law and ethics . The complete rights over this method lies in the hands of the women that can make the desired actions on legal actions. The surrogate methods benefitted the women which the donors cannot have the rights which brims the goodwill purposes . But the women undergone these methods though legal acceptance is

¹² <https://main.mohfw.gov.in/acts-rules-and-standards-health-sector/acts/mtp-act-1971>

¹³ https://www.commonlii.org/in/legis/cen/num_act/imca1956176/

¹⁴ <https://prs.india.org/billtrack/the-assisted-reproductive-technology-regulation-bill-2020>

found we can find that they have to overtake mental pressures that leads to abortions . The appropriate certifications are issued which if any law is violated they can complain through the modes of the Women Commissions . Then , ART clinics and banks work for their subsistence towards the better analysis of providing variety of services to women .

FAMILY PLANNING

The National Programme for family planning in 1952¹⁵ was started which had the goals of the population stabilization and provide reproductive health and reduce the mortality rates . The health mission was which undertook the sequence under this with constant effectiveness . So the limit was set within families that they can be making a way for population control . Even the plan of delaying the marriage was found which then led into creating of the systematized family planning . Having spacing between marriages can overcome the population problems .The data of SRS in 2017 was found within the rates of 50.3%¹⁶. We find that TFR rates was in decline in the current levels. The current family planning methods was to move towards contraceptives but purely voluntary. Certain governments have made policies that they seem to make 2 children policy . Recently, Mission Parivar Vikas¹⁷ launched in states with setting up local level committees with awareness and collection of reports and taking measures in connection to PHC's especially making male to adopt control measures. The medical methods through awareness are utilized to make sure the health of the women which can lead to qualitable enhancement . This likely was a boon towards the nation which has made our country control the population which is the creation over majority of problems .

CHILD MARRIAGE: SEXUAL AND REPRODUCTIVE HEALTH OF YOUNG

We see that the dreadest among all social evils is child marriage which has been a reflection through the ancient traditions and systems. The female often considered as a burden to the family which to get rid of her , such practice was followed . But , it has given negative mark in the societal conditions . We look that, she being a minor is forced towards the sexual activities due to the norms and practices . In the tender age when her physical body is not capable to withhold herself , she enters into the stage

¹⁵ https://nhp.gov.in/national-programme-for-family-planning_pg

¹⁶ <https://nhm.gov.in/index1.php?lang+1&level+2&sublinkid=821&lid=222>

¹⁷ <https://www.moneycontrol.com/newa/india/population-control-not-deviated-from-mission-parivar-vikas-goals>

of mother , which makes the health systems to deteriorate . A lot of girl child have fell sick with different diseases including cervix cancer due to sex related activities and unable to bear the responsibilities there are situations of ending their life . Similarly , they are prone to STD diseases¹⁸ with ill health and hygiene maintained . The surveys and reports have noted that , due to such type of pregnancies they have tried to give birth to pre mature babies which shows the adverse effects on healthy living conditions . We can see that , child marriages mark a instability in the socialization towards the society which lacks them with the purview towards rights .

IMPACT OF THE AGE BIENG RISED OF MARRIAGE IN REPRODUCTIVE RIGHTS

Normally , we find that the age recently has been increased which has direct way of impression in the reproductive system . The girls at the tender age will not be able to hold the responsibilities which would mentally surpass that the system has been successful to combat it .Being mother at young age never remains as a easy task which we find that the sex ratio imbalance is seen due to maternal deaths and sufferings ¹⁹, that the problem never remains only upto the systems of physical imbalance at health but mentally weakens the women leading to incapability . Along with the maturity we can say that , the nutrition holding capability is higher among the elder age group . We find that , the understanding over family planning is high which even makes the women to gain more knowledge on reproductive aspects . Laterally , they can approach legal aids if any problem arises through mass media and educative setup . Being major the control over their bodies are at a higher level . The better living conditions with the family planning is enhanced . They get more opportunities to represent themselves in variety fields . The MMR rates declines ²⁰,by which adolescent girls do not have much capabilities to be stable under first pregnancy . This contributes towards the sustainable development goals . It contributes to run healthy conditions removal of unjust practices . Recently LokSabha ²¹has passed a bill regarding this . During Covid-19 situation we find that a lot of early marriages led to the problems in nationwide level.

¹⁸ <https://www.unicef.org-what-we-do>

¹⁹ <https://doentoearth.org.in/news/young/amp/covid-19-impacts>economy

²⁰ <https://timesofindia.indiatimes.com>

²¹ <https://www.frontiersin.org/articles/10.3389/fpubh.2017.00269/full>

CONCLUSION

From this we can conclude that , reproduction rights are a need among women . When a woman is having right over her body through the legislations and procedures we have adopted a better living and this must completely focus over the better living of women which shows towards the adapting circumstances so that equality is completely promoted . The main aspect noticed is that , the reproductive rights not only cover only a part of promoting welfare among women , but controls the domestic and social well being which is the source of peaceful circumstances . Today education and the awareness²² has widespread among the people , which the women must utilize as the tool and weapon to internalize themselves and completely utilize these legislations in a positive manner so that the number of crimes and ill – effects could be under control . At the same time , government must be vigilant over the happenings ensuring through different agencies whether the awareness has reached the women and provide legal aid with support towards the women so that they are empowered . The truth lies is that women are capable enough to take their decisions amongst themselves which they need to be given a chance after all it is the matter of their body . The ensuring of control of reproduction can make the nations²³ to be growing with qualitative measures which uplifts them and facilitates to live a secured life that can give way towards the secured systems in dignity and respect to them through the constitution as a base.

Details of author in next page

²² <https://pubmed.ncbi.nlm.nih.gov/9288353/>

²³ <https://www.unfpa.org/about-us>