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Human Right Violation Of Women

Sugarcane Workers In Maharashtra

Authored By-AKSHAT UNIYAL

Abstract

“Women’s sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. Forced sterilization without women’s prior consent is also a violation of women’s basic human rights”. This paper reviews the exploitation of uneducated women working as bonded laborers in the district of Beed in Maharashtra and violation of basic Human rights relating to reproduction and sexual health

Keywords: Human Rights, Women’s Reproductive Rights

Introduction

According to the *United Nations Human Rights* it is provided that “Women’s sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. The Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) have both indicated that women’s right to health includes their sexual and reproductive health”. It further states that “Forced sterilization without women’s prior consent” is also violation of women’s basic human rights. In the Fourth conference on women (**Beijing Declaration and Platform for Action**) it was stated in regards to women’s Reproductive right that “the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination, and violence”¹. In the recent year several “U.N. human rights experts and

¹ Sexual and Reproductive health and rights of women, *United Nations Human Rights*, <https://bit.ly/3k9FVYp>.

bodies have raised concerns to the Indian government about human rights violations arising from the reproductive right issue as a **result of standard female sterilization**, these experts and bodies have called for India to address these violations, as well as disparities in access to reproductive health care. Courts in India have an important role to play in ensuring women's reproductive rights as guaranteed by their constitutional and human rights". The Apex court of India along with various other courts have also taken various important steps in recognizing that "**Denial of reproductive rights is a violation of women's fundamental and human rights**"². Further developments have also taken place in women's reproductive rights, the Apex court has also stated that "*reproductive autonomy is a dimension of personal liberty as guaranteed under Article 21. It is important to recognize that reproductive choices can be exercised to procreate as well as to abstain from procreating. The crucial consideration is that a woman's right to privacy, dignity, and bodily integrity should be respected. This means that there should be no restriction whatsoever on the exercise of reproductive choices such, Furthermore, women are also free to choose birth-control methods such as undergoing sterilization procedures*"³. The **Puttaswamy Judgment** another important judgement bearing on the reproductive right of women where it was stated that "*It is a constitutional and basic human right of every woman to have and make reproductive choices, as a part of personal liberty under Article 21 of the Indian Constitution.*"

Now that we have established that reproductive choices are a basic human right we will be looking at how the Sugarcane worker women of Beed district in Maharashtra have been deprived of this Human right by forcing them to undergo Hysterectomy without providing proper knowledge about the procedure, its effect and how they are forced to work in a poor working conditions which leads to various complications after the surgery.

Research Methodology

The Research Methodology used in this paper is **Critical Analysis** of Human Right Violation of Women sugarcane workers in Maharashtra. The data used in this paper has been collected from various sources such as Articles, Statues, Judgements, and Books.

² Tanvi Mathur, Reproductive right of women in India, *Legal Service India*, <https://bit.ly/2Y0uTiV>.

³ *Srivastava and Another v Chandigarh Administration*, CIVIL APPEAL NO.5845 OF 2009.

Review Of Literature

“A slaughter House for wombs and Human Right Violation of Uneducated Women in Maharashtra”

“I believe that truth is the most powerful tool that we possess against victimization, exploitation and fear” with this quote I would like to begin my topic that is about the inhumane, vicious, and unethical practices against those who are financially backward, who possess little to no knowledge, have no idea about their rights and does not know where to go to find restitution. Making them voiceless against the discrimination and exploitation that they face. It saddens me to read about one of such cases that has recently gained much deserved national media coverage, the event brings light to the unprecedented growth of Hysterectomy in Beed city that is located in the central region of Maharashtra⁴ with a population of 1.47 Lakh. “This issue was raised in the State Assembly by legislator Dr. Neelam Gorhe” who is a renowned Indian politician and deputy leader of Shiv Sena from Maharashtra. Cabinet minister of PWD, Public health and Family Welfare in the government of Maharashtra Eknath Shinde confirmed that there had been 4,605 Hysterectomy in the district of Beed in three years, the numbers were later corrected to 4,542.⁵

Hysterectomy is a surgical process to remove a women’s uterus⁶. There are diverse reasons for a woman to have a hysterectomy some of which may be “uterine fibroids that cause pain, bleeding, or other problems, uterine prolapse which is sliding of the uterus from its normal position into the vaginal cavity, cancer of the uterus, cervix, or ovaries” and many such reasons. Hysterectomy is viewed as the last resort for noncancerous reasons, other treatments such as medication are adopted as a remedy and only if it brings no success, hysterectomy is considered. This is the ethical and reasonable approach to such problems. After the surgery the person sometimes goes thru several experiences that includes a host of emotions, also one of the direct consequences of hysterectomy is that it leaves women unable to conceive, this loss can have a profound impact on those who desired to have children. Up until now we have talked about and observed that hysterectomy is a very serious and life-changing decision,

⁴ Beed, <https://bit.ly/3z4vBVH>.

⁵ Prateek Goyal, Slaughter house for wombs, *Newslandry*, <https://bit.ly/3z6IQVR>.

⁶ Hysterectomy, <https://bit.ly/3z9flmk>.

making it a very critical decision for a woman, therefore it is considered as an 'elective surgery'. It is also said that after the surgery the patient needs to rest for at least three months with proper Nutrition to recover properly from the surgery.

However, this is not the case in Maharashtra where it is estimated that around 200 hysterectomies are being practiced in numerous private hospitals per month. This is because of the unethical practices of private doctors, and also because of the degraded working environment provided by the employer and absurd, unlawful, and informal rules of employment. As the Beed district of Maharashtra gets affected by drought majority of these women along with their husbands temporarily migrates to western Maharashtra during the cane-cutting season to work as laborers for harvesting and with the increasing drought the number of migrants also keeps on increasing. The contractors (Mukadam) often find different ways to exploit these uneducated workforces and deprive them of their basic Human Rights, they give advance payments to couples and treat them as bonded laborers, they are made to work for 16-18 hours a day and have a target of 1.5 tons of sugarcane per day and they cannot go beneath 1 ton per day, the pay rate is 200 Rs per ton, they do not provide a clean place for them to stay, lack of clean water and healthy food as stated by many laborers. They don't even provide any day off for women during the Menstrual period or pregnancy if a woman takes a day off because of a menstrual period the contractor terms such breaks as an 'excuse to not work' and are fined 1000 Rs per day. As a result of which these helpless women develop various infections in the genital area that in turn leads to various problem such as vaginal discharge, for the most part, they continue to work even with severe pain in the abdominal but after a while when the pain becomes irresistible they consider going to the hospital for a remedy. This is where the unethical practice on behalf of the doctors comes into play, they also exploit these women by creating a stigma in their subconscious mind that hysterectomy is the only solution to this problem and if they decide otherwise then cancer is inevitable, out of the fear they take loans from relatives or the contractors and undergo the surgery. Now let's put numbers into play to understand the motive behind such practices by the private hospitals, if on an average the cost of hysterectomy is considered to be 20,000 Rs then in three years the private hospitals of Beed alone made around 9 crores 84 lakhs. This is how and 'elective surgery' is converted into a 'Forced surgery'. Even for minor cases that could be treated with medications, that are noncancerous in nature hysterectomy is conducted. "Deepak Thorat a

social worker in the field of health in Beed also criticize the practices of private doctors he also mentioned that if a woman comes to a government hospital with a problem related to her uterus, first her blood is checked. The blood report comes in 8 days and only if the report indicates it, she's told to get a hysterectomy" but on the contrary "if the woman visits a private hospital, they look for opportunities to perform hysterectomy". Now that the surgery is dealt with many women have reported various problems such as back pain, neck and leg pain. One explanation to this problem could be that it happens because after the surgery the women require rest for at least three months and they are informed that they should avoid heavy work, get their hemoglobin and blood pressure checked and eat nutritious food but due to poverty and pressure they are not able to do these things.

Although there are several laws in place to protect the rights of laborers and provide them with good working conditions but these laws are only being enforced in the organized sectors and the unorganized sectors remain at the mercy of contractors. The Plantation Labor Act, 1951 "It is an act to provide for the welfare of labor and to regulate the conditions of work, in plantations, according to this act, in every plantation, the different arrangements shall be made by the person employing to maintain at convenient places in the plantation a sufficient supply of drinking water for all the workers, medical facilities, canteen, recreation facilities, educational facilities, housing facilities. The Maternity Benefit Act, 1961 is intended to work for the welfare of working women. This act applies to every establishment employing women and provides for maternity leave and payment of certain monetary benefits for women working during the period when they are out of employment on account of their pregnancy or illness arising out of pregnancy, it is also stated that this act applies to all the establishments whether a factory, mine, plantation or shop, etc., also the state government is responsible for the implementation of this act in agriculture and plantation while the plantation workers are covered by this act which meets some obligations under ILO convention No. 110 for Plantation workers. However, other women agricultural workers remain outside the purview of this act even in the plantation sector". It was also found out that the workers were forced to work as bonded laborers in the name of 'advance payment' and 'contractual agreement'. "Bonded laborer is a specific form of forced labor that describes a private contractual relationship whereby labor incurs or inherits debts to a contractor and then must work to pay off the debt plus interest. The bonded labor system abolition Act of 1976 prescribes three-year

imprisonment for forcing workers into laborers, which is considered an insufficient penalty to deter the crime”. Even if the presence of laws it does not seem to help the conditions of a laborer in unorganized sectors this is because of uneducated background and lack of awareness amongst the laborers.

In an era where attempts are being made across the world to increase women’s participation in the workforce by implementing gender-sensitive policies. Rural women participation in India has fallen from 36% in 2005-06 to 25.8% in 2015-16, While the rate of urban women participation increased from 14.6% to 15.5% over the same period, this confirms the belief that most of the laws pertaining to the workforce are working only in the organized and urban sectors and not in rural unorganized sectors.⁷

Recently, a circular was issued by the Beed collector in April that said that private hospitals will require the permission of a civil surgeon, who heads the district hospital and medical superintendent before performing a hysterectomy. It was found out that after the above-mentioned circular was circulated, hysterectomies have come down by 50%. In the last three months, 200 operations took place compared to earlier when the average of one month was around 125-130 operations. After the circular, if a woman visits any private hospital addressing uterine-related problems a female doctor from a government hospital will examine her, only then permission for a hysterectomy will be given or refused. It was also mentioned in the circular that all the hospitals carrying out such operations will be required to have an informative board displaying all the pros and cons of hysterectomy.

Owners and officials of the hospitals have stated that they have practiced and maintain the ethics and integrity of their profession further adding “that these operations occurred across Maharashtra and Beed is being single out and disgraced”. Also, they are saying that the health department should create awareness- which is not happening “No-one is talking about the preventive measures women should take during childbirth or menstruation. Secondly, if a woman has cancer due to a uterus-related disease, then the whole village is filled with fear, if any woman in any village is suffering from diseases related to the uterus, then it is on her

⁷ Sher Verick, Women’s labour force participation in India: Why is it so low, *International Labour Organization*, <https://bit.ly/3A9oXyN>.

whether she wants to get her uterus removed or not otherwise, she will also suffer cancer, we recommend medicines but if they don't get any relief after taking medicines a couple of times, they visit other doctor and get hysterectomies". According to the private doctor, it was also discovered that the circular regulating hysterectomies have created issues for many patients in urgent need of the operation. We have to send them to government hospitals where they have to wait, is they are not able to be examined they have to go home and return the next day. In turn, the patients have started to go to nearby districts for operations.

According to Ashok Tangade who is a social worker, the private hospitals not providing the reports after the surgery to the patient is one of the clear indications of 'Foul play' as the details of the operation, sonography report is the reason why the operation is done, the figure of 4,542 was extracted from the registers of operation theatres, the actual figure is much higher. Tangade also stated, "corrupt and greedy doctors are the main reason behind the high number of hysterectomies in Beed".

But this kind of immoral act has been reported from not only Maharashtra but also several other states in India that include but are not limited to Chhattisgarh, Karnataka, Rajasthan, Bihar, Telangana in recent years. This is a paradigmatic example of cruelty towards uneducated women and Clear violation of their Human Rights and stringent actions should be taken against those who are promoting such acts for personal gains. I believe that everyone should take a stand and unite together as one to fight against such issues faced by the voiceless people as B.R. Ambedkar quoted "what are we having this liberty for? We are having this liberty in order to reform our social system, which is full of inequality, discrimination, and other things, which conflict with our fundamental rights".