



REPRODUCTIVE RIGHTS OF WOMEN IN INDIA: AN OVERVIEW

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RESEARCH ARTICLE



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DOI:

<https://doi.org/10.70096/tssr.250307010>

Abstract

The Constitution of India makes provision for justice and equal rights for each citizen of this country. These provisions advocate living with full of freedom and enjoying fundamental rights without any gender discriminations. Among the various rights, reproductive rights deserve special mention as far as the fundamental human rights of women are concerned. Women's reproductive rights include a wide range of rights like decision making on reproductive health issues, setting family plan, and deciding upon well-being and autonomy by the women themselves. An international Convention on the 'Elimination of All Forms of Discrimination Against Women' (CEDAW) was held by the United Nations in 1979. This convention led the path for the enactment of various important legislations for the protection of women rights all over the world. Unfortunately, the effective implementation of the resolution of CEDAW still remains far away to achieve in India. Review of literature revealed, human rights, more specifically reproductive rights of women are hardly addressed and suffer a long history of negligence in India. Consequently, the incidences like high rate of maternal mortality, widespread anaemia among women of reproductive age groups, limited access to modern methods of contraception, and occurrence of many cases of unintended pregnancies are appearing as the overwhelming challenges on the path to establish reproductive health rights of women in our country. The present theoretical study critically assesses the reproductive health status of women and analyses the prevailing causes, hindering the establishment of their reproductive health rights in urban and rural parts of India. The current study summarizes the ways despite the limited scope of education, inadequate awareness, profound gender discrimination, orthodox religious belief, dominance of patriarchal system and poor access to reproductive healthcare services are posing to fulfil reproductive rights of women along with gender equality, individual autonomy, and well-being. The present study suggests an achievable road map to move towards the goal of women empowerment and human rights.

Keywords: Reproductive health, maternal mortality, human rights, women empowerment, gender equality

Introduction

The Universal Declaration of Human Rights (UDHR) was a milestone attempt to establish human rights across the globe. It was a proclamation in the United Nations General Assembly held in Paris on 10 December 1948 (General Assembly resolution 217 A). This declaration advocated, the fundamental human rights need to be achieved and protected for the people across the globe. Thus, 'UDHR' recognizes and paves the way for the adoption of more than seventy human rights treaties, aimed to bring social changes on permanent basis at global and regional levels.

In the Constitution of India, several provisions have been made to incorporate fundamental human rights following the global stands. A detail account of this inclusion can be found in the Part III of Fundamental Rights from Article 14 to 32. Articles 14 to 18 of the Constitution deals with the right of equality to every citizen of India. Article 19 advocates the freedom of speech and expression. The Article 21 ensures Right to life and liberty. The National Human Rights Commission (NHRC) of India was established in 1993 following the statute, Protection of Human Rights Act (PHRA), 1993. In addition to the Constitutional provisions, Human Rights have been included in Indian Laws. In case of violation of fundamental human rights, the citizens of the country can move to the Supreme Court under Article 32 and High Courts under Article 226 to preserve their rights. All these arrangements are made to relate Human Rights to life, liberty, equality, and dignity of every citizen of the Country.

Despite global movements and constitutional provisions, women remain far behind their male counterparts as far as the status of human rights is concerned. Some instances have been discussed in this section. The issue of profound gender disparity exists as a hindrance before women's access to education specially, in rural India and urban slums. The patriarchal social structure keeps female family members away from decision making authority for self as well as for the family. The idea that 'women are good

home maker' always prevails as barrier to achieve economic independence even by the 'educated' women belong to a sound socio-economic back ground. Additionally, lack of education and awareness in society prevents women to get satisfactory access to life standard, healthcare, and well-being.

Considering the above-mentioned scenario, the present theoretical study focuses on critical analysis of the reproductive rights of women in India. These rights of women refer to choices and autonomy in decision making about their reproductive health and autonomy. It includes several human rights like right to live, right to health, right to privacy, right to education, and right to be free from abuse and discrimination.

Before the analysis of reproductive rights, the concept of reproductive health needs to be clarified. It is a part of general health that associates with the structure and functions of reproductive system. The important aspects include sexual health, family planning, maternal health, and access to reproductive healthcare facilities.

Sexual health emphasizes freedom in sex life, scope of protection of sexually transmitted diseases. It deserves mention that a good reproductive health is essential to maintain a sound physical and mental health. Moreover, it provides autonomy, equality and empowerment of women in the society.

Objectives

The study has some following objectives

1. To identify issues related to the reproductive rights of women.
2. To review the status of reproductive rights of women in India.
3. To indicate challenges to ensure reproductive rights of women in India.

Methodology

This theoretical study was based on data analysis from the relevant research articles reports published in standard data base including Scopus, Google scholar, Web of Sciences etc.

Discussion

The reproductive rights of women have noticeable impact in promoting healthy population which can serve as effective workforce and contribute to economic growth and prosperity of a country. In other way reproductive rights can empower women in making decision about family planning, choosing family size, using safe methods of contraception, doing safe and legal abortion if required and ensuring proper maternal care. The following section deals with various components of reproductive rights of women to develop a clear understanding of the issue.

- **Autonomy up on Own Body**
It advocates; women have fundamental right to decide up on their bodily matters. It includes their choice on reproduction, free from coercion and discrimination. Women should have the autonomy to decide whether and when they would conceive and terminate a pregnancy (if required and legal).
- **Access to Contraception**
The Constitutional provisions allow women to take part in family planning. It allows them to get right information and knowledge to decide upon effective means of contraception at affordable price, and easy availability.
- **Provision of Good Maternity Care**
Reproductive rights of women always emphasize quality maternal care at different stages of womanhood including prenatal stage, during childbirth, and postnatal stage. Sufficient care in terms of rest, healthy food and nutrition and medical facilities and psychological support is extremely important to secure pregnancy, safe childbirth and quality maternal care and child well-being at postnatal stage.
- **Saving from Violence and Abuse**
Being the citizen of the country, women's choice of reproduction must be accepted by the other family members and the society as well. Every woman has the right to reject the decision of abortion, sterilization, and other medical procedures if it was fixed without their consent. No women could be subjected to coercion, discrimination, or abuse on the ground of not accepting the above-mentioned phenomena.
- **Scope of Sex-Education**
Women, right from the adolescence must be informed about the relevant sex education at home and school institutions. Accurate detailed knowledge, and non-biased information in this regard could guide the young girls to carry on appropriate reproductive behaviour about the reproductive health. This right empowers individual women to make informed choices to maintain sound reproductive health.
- **Access to Assisted Reproductive Technologies (ART)**
The access to technology based medical procedure enables women to conceive if they are unable for conception in natural way due to physiological ailments. This right ensures access with informed consent of women to assisted reproductive technologies (ART) like in vitro fertilization (IVF), Intracytoplasmic sperm injection (ICSI), Egg, sperm, or embryo donation, and surrogacy.

- **Protection from Harmful Practices**

The social status of women in India often gets challenged by several decade-long, unethical, inhuman, unscientific practices in families and in the society at larger sense. Such unlawful practices include female genital mutilation (FGM), refers to total or partial removal of female external genitalia or injury to the female genital organs for non-medical reasons. This is a serious violation of girls' and women's fundamental human rights. Apart from this, some other harmful practices include forced marriage, child marriages etc. All these unlawful practices often severely affect the reproductive health and life of girls and women.

- **Right to Access Reproductive Healthcare Services**

Being the citizen of the state, every woman has the right to access complete reproductive healthcare services which includes screening and diagnosis of sexually transmitted diseases, treatment for reproductive health issues, and access to skilled healthcare professionals for medical guidance and assistance.

- **Provision of Privacy and Confidentiality**

Every human being deserves some amount of privacy and confidentiality in life and women are not exceptions. It is necessary to maintain when a woman experiences reproductive health issues or undergo certain medical procedure to overcome such problems. This right allows women to keep the medical records and procedures private and confidential if they wish to keep them so.

- **Autonomy to Choose Motherhood**

Women must have the autonomy to choose motherhood at the right age with all kinds of support and resources to ensure the well-being of themselves and their children. This support system means access to sufficient rest, food & nutrition, and medicine for pregnant mothers. The provisions of maternal leave, childcare leave, have been made to fulfil the necessity of the concerned women no matter whether they are working outside or at home.

Global Status of Women Reproductive Rights

According to the UNESCO global recent report, around 30% women who are in a relationship have faced physical or sexual violence committed against them by their partners. These women are more likely to be victims of sexual assault including rape, and are more likely to be the victims of so-called "honour crimes" (Chissell, 1993). Reports revealed, sexual assault, and violence against girls and women is a major case of human rights violation worldwide. issue. In many countries the state or government administration fail to secure reproductive rights and human rights of women till date. Maternal deaths at pregnancy and childbirth, limited access to healthcare service, lack of legal abortion facility, forced sterilization and abortions, and female genital mutilation (FGM) are burning issues of women's reproductive rights globally in general and particularly in countries like Yemen, Chad, Afghanistan, and Syria.

Recent reports show in many countries across the world; women face gender disparity on account of sexual orientation and gender identity. (Frunk, 2007). Lesbian, bisexual, trans, and intersex women are subjected to verbal and physical abuse (including "corrective rape" and "honour killings") due to their sexual orientation.

The Convention on the Elimination of All Forms of Discrimination against Women (1979) was an important international move to establish women's rights (Goodstein, 2007). In that convention an international bill was developed to secure the rights for women at all ages despite several obligations. More than 180 countries accepted that.

According to the United Nations, "gender equality and women empowerment is not just a goal in itself, but a key for sustainable development, economic prosperity, peace, harmony, and security". International bodies like Amnesty International have urged authorities to stop all kinds of coercive actions against women by the male-dominating systems at work place and at home to establish justice, equality, and freedom in society.

Status of Women's Reproductive Rights in India

The government of India has made various provisions to secure reproductive rights of women. These provisions allow women to make informed decisions by themselves about reproductive health, family planning, and overall healthy living. Women have the right to decide up on family planning, and to access various methods of contraception. They can avail information, counselling, and services related to contraception and birth control, and management of reproductive health. India's Medical Termination of Pregnancy Act, 1971 (amended in 2021), permits abortion under specific circumstances and within gestational limit. Following this act, women have the right to make decisions about their bodies, and the right to choose a safe and legal abortion. They have access to comprehensive and accurate sex- education to make informed decisions about their reproductive wellbeing. The situation by and large enables women to make healthy choices to protect themselves from sexually transmitted infections to a considerable extent here.

India has enacted the Prohibition of Child Marriage Act, of 2006 to stop child marriage, early unsafe pregnancies and serious health complications of young girls before the right stage of physiological and psychological maturation of their body and mind. Reproductive rights also include protection of women from gender-based discrimination and violence, including forced pregnancies and coerced abortion etc. The Indian government has introduced the Maternity Benefit Act to support maternity and child health before and after delivery. Till date the government has made several laws and policies and non-governmental agencies promote awareness to practice healthy habits for the new born babies and young mothers including breastfeeding to

ensure infants' immunological benefits, consumptions of low-cost nutritious food and medicines for their good general and reproductive health.

In connection to human rights, the important judgement of K.S. Puttaswamy deserves special mention. It emphasised the provision and privilege of personal liberty under Article 21 of the Indian Constitution. The Supreme Court of India and high courts of several states have given strong judgement against the violation of reproductive rights and other human rights of women at all ages across the country. It needs to be clarified, reproductive rights include the right to maternity benefits and the issues of health disparities of women, belong to marginalized and underprivileged sections of the society which needs to be addressed, regardless of their social, economic, or cultural background.

Challenges Before Women's Reproductive Rights: The Harsh Reality of Indian Society

India is one of the pioneering countries in the world to develop policies and provision of law to ensure access to abortion and contraception at the will of the women. Despite the constitutional provisions, enactment of laws and formulating policy to establish human rights for women, incidence of violations of women's reproductive rights are frequently happening phenomena in the Indian society (Torche & Sirois, 2019). The various forms and means of violation including early marriage, female genital mutilation (FGM), denial of access to female medical facilities, forced sterilization, forced abortion, and forced virginity tests are common practices with in rural as well as urban parts of India where no botheration is found about women's

- Analysis of relevant studies revealed that violations of women's reproductive rights are manifested in the following ways
- Deep rooted beliefs that women's right and life are subjects to be controlled by their male counter parts in the society.
- In the patriarchal society women are viewed as commodity in the marriage market.
- Women are valued based on their reproductive ability.
- They have no choice on their reproductive health.
- They are often forced to conceive frequently to produce male offsprings in the family at the cost of their life.
- Women in the family are often blamed for infertility, or not producing male offspring
- They often bear with physical assault, mental torture and ostracism in family and society.
- On average, women are forced to spend 25 % more time than men in poor health condition leading to reduction of productive ability in household works, professional tasks at work place, and social responsibility in the community.

All these incidents lead to serious violation of human rights violation, more precisely, reproductive rights of women. Inconsistent judgments and administrative delays keep woman far away to realize their fundamental rights.

Reproductive rights of women could play instrumental role to establish gender equality, individual autonomy, and the well-being of women and their families. Ensuring access to reproductive rights is essential to fulfil a critical goal for achieving women's empowerment and human rights nationally and globally. Respecting women's autonomy and choices in reproductive decisions is fundamental to reproductive rights. Coercion, forced sterilization, and other violations should be prevented.

Studies reported, mental health issues like anxiety, depression, stress, PTSD etc. are the common mental health issues in women. Reproductive health care issues of women's reproductive rights ensure stronger socio-cultural wellbeing, greater productivity, enhanced participation, stable economic growth, all leading to better sustainable development.

Ensuring the full realization of these rights is a challenging process that involves legal reforms, healthcare infrastructure improvements, and education (Chae et al., 2018). Women's reproductive rights are essential for their overall health, well-being, and empowerment.

The Indian judiciary gave the landmark K.S. Puttaswamy judgment which bestowed upon an individual the sense and privilege of personal liberty under Article 21 of the Indian Constitution. In Navtej Singh Johar v. Union of India, the apex court has also extended the meaning of personal liberty by decriminalizing adultery and homosexuality.

In the case of Independent Thought vs Union of India in the context of reproductive rights of girls SC held, that the human rights of a girl child are very much alive and kicking no matter whether she is married or not and deserve recognition and acceptance

Conclusion

Establishment and protection of reproductive rights of women are essential for paying respect to human rights. In other way, restoration of reproductive rights of women is crucial for gender equality, individual autonomy, and the well-being of individual women along with their families. At one side coercion, forced sterilization, and other violations on women must be eradicated from the society by enforcing laws and stringent punishment. On the other side, girls' education, awareness about the reproductive health and consciousness of human rights among the common people should be prioritized to establish women's reproductive rights. Respecting women's autonomy and choices in reproductive decisions is fundamental to reproductive rights. Ensuring that these rights are respected, protected, and fulfilled is a critical goal for achieving women empowerment and human rights globally. Complete realization of these rights is a comprehensive process that needs to be supported by legal reforms, healthcare infrastructure improvements, and education. Women's reproductive rights are essential for their overall health, well-being, and empowerment.

Acknowledgment: No

Author's Contribution: Dr. Soma Das: Data Collection, Literature Review, Methodology, Analysis, Drafting, Referencing

Funding: No

Declaration: Not Applicable

Competing Interest: No

References

1. Chae, D.H., Clouston, S., & Martz, C.D. (2018). Area racism and birth outcomes among Blacks in the United States. *Soc Sci Med.* 199(49) 55.10.1016/j.socscimed.2017.04.019.
2. Chissell, J.T. (1993). *Pyramids of Power! An Ancient African Centered Approach to Optimal Health.* Baltimore: Positive Perceptions Publications. 128(3).
3. Frunk, R.E. (2007). Men and Reproductive Justice. *Reproductive Justice Briefing Book: A Primer on Reproductive Justice and Social Change.* (pp. 52–53). Retrieved from <https://www.protectchoice.org/downloads/Reproductive%20Justice%20Briefing%20Book.pdf>.
4. Goodstein, E.P. (2007). Spiritual Youth for Reproductive Freedom. *Reproductive Justice Briefing Book: A Primer on Reproductive Justice and Social Change.* (pp. 64–650). Retrieved from <https://www.protectchoice.org/downloads/Reproductive%20Justice%20Briefing%20Book.pdf>.
5. Torche, F. & Sirois, C. (2019). Restrictive immigration law and birth outcomes of immigrant women. *Am J Epidemiol.* 188(1), 24–33.

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