

Reproductive Rights of Women in India

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Abstract – Marriage is an institute which combines not only two persons but two families. The basic function of marriage includes sexual pleasure and reproduction. Reproduction itself is complex process which involves various health issues right from the beginning. Reproduction not only deals with the birth of child but also with sexual relation, abortion, reproductive healthcare which includes use of contraception and sterilization. But still women do not have any right over their bodies. According to this survey 12.9 percent of married women aged between 19-49 years were not using any contraception and are at a risk of becoming pregnant or were pregnant with unwanted pregnancy. It is clear from this data that females are more suppressed in terms of their reproductive rights. Therefore it is very important to talk about the Reproductive Rights of Women.

Key Words – Marriage, Reproduction, Health and Rights.

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INTRODUCTION

Women are different from men because they have the ability to give birth. Women's become reproductive at the age of twelve years soon after puberty. Reproduction not only deals with the birth of child but also with sexual relation, abortion, reproductive healthcare which includes use of contraception and sterilization. But still women do not have any right over their bodies. With rising figures of crimes against women, it is of utmost importance to talk about reproductive rights of women. Women's sexuality and various rights and choice related to it have always been a topic of contention. As women one keeps questioning the morals, values, principles and guidelines that are mostly custom made and passed on to women in our country. Some of the questions are: how much education is she allowed? When should she marry? How many children should she bear? Should she work? Should she ask for her rights? Can she raise voice against abuse and exploitation? (Thappan) India is a patriarchal society all the decisions vests in the hands of male of the family. Women have to follow their decision without questioning. No doubt that there is a remarkable improvement in the status of women in India still a lot is needed in the field of reproductive rights and health.

Reproductive rights embrace certain human rights that are already recognized in the national laws, international laws and international human rights documents. Reproductive rights are very much a part of human rights and are legal rights and freedom relating to reproduction and reproductive health. The World Health Organization (WHO) defines

reproductive rights as follows: "Reproductive Rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and means to do so and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence" (DIFD Report 2004). Therefore as per the definition Reproductive rights of women includes:- legal and safe abortion, right to decide when to bear child and have sexual relation, right to birth control, freedom from coerced sterilization and contraception, right to access to good quality reproductive healthcare and also right to education about sexually transmitted infection.

MARRIAGE AND FUNCTION:-

Marriage is an institute which combines not only two persons but two families. The basic function of marriage includes sexual pleasure and reproduction. Reproduction itself is complex process which involves various health issues right from the beginning. Though these two functions should be fulfilled by the mutual agreement of both partners but in reality these are not functions, in a society like India which is dominated by men, the male partner thinks that it is his right to decide when to have sexual relations and also decisions regarding the child. Women are treated as means to fulfill their desires. Though morally and ethically this right to decide when to have kids should rests with women but in male dominating society like India such decisions are taken by male and women's are supposed to follow it without

questioning. Here I would like to discuss the case of one of my friend who inspired me to write this paper. She is a well educated girl and was engaged in the education system. Apart from this she is a well known editor of a leading newspaper who writes articles about lifestyle, health, fashion, beauty and other current issues. She got married to a well educated man in Delhi and had a daughter too. Everything seems perfect in her life as she is very live girl. But when we became close friend I came to know that her husband doesn't support her not only in family matters but also in personal matters like sexual relation, having a child, her profession etc. She somehow convinced her husband to use contraception instead of using pills (though she used it for a year). But she has to make relations with her husband as and when he wants. When we further discussed I found that she was aware of her rights but it's difficult for her to exercise her reproductive rights. She had her daughter under family pressure as she wants to establish her career first and do not a child at that time. This shows how difficult it could be for uneducated women to assert her right when educated women find it difficult to exercise. Her case raised a lot of questions in my mind like why women don't owe any right over her own body? Why is she considered weak? Why can't she decide about when to have child as she is the one who carries the child for nine months? Therefore reproductive rights of women are an important issue to talk about these days. Thapan(2009) in her study conducted in one of the metro city Delhi, brings out the aspects of women toward sexuality and their everyday experience. According to her women's self worth in the slum emerges from a social identity acquired through marriage which they identify as being essential to their destinies as women. The experience of embodiment of the slum women indicates that although they have control over their reproductive and related health by having taken the important decision of sterilization, even against the advice of their husbands, they are unable to challenge patriarchal control over their sexuality. They are also governed by a largely utilitarian experience of their embodiment in terms of the functions their bodies perform and how it can be used to combat the poverty in their everyday life.

HISTORY OF REPRODUCTIVE RIGHTS:-

The concept of reproductive rights began at United Nation's International Conference on Human Rights in 1968. This resulted in the 'Proclamation of Teheran' which was the first international document to recognize one of these rights. In 1975 the UN International women's Year Conference also echoed the Proclamation of Teheran. What followed next is considered another milestone in the history of reproductive rights, the "**Cairo Programme of Action**" which was adopted in 1994 at the International Conference on Population and development (ICPD) in Cairo. This Programme of Action emphasized on the role of governments to

have the responsibility to meet individuals' reproductive needs, rather than only setting demographic targets. For the first time Reproductive Health was defined at the Cairo Programme of Action. Reproductive Health is a state of complete physical, mental and social well being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its functions and processes. Reproductive Health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and freedom to decide if, when and how often to do so"(wikipedia).

REPRODUCTION, HEALTH AND TECHNOLOGY:-

Gupta in her work titled "Technology And Their Uses"(1994) talked about the various modern technology which were developed to provide better reproductive health care. But in various country including India these technologies were misused and declined the position of women in terms of decision regarding child bearing, abortion etc. In short these technologies were developed to monitor the growth of the child in mother's womb but then it is used for sex determination and women's are left with no choice but to go through abortions if it is a girl child. She has also talked about sterilization which is also forced on women. Grigg (2013) talked about the side effects of pills used for birth control. According to her the use of contraceptive pills is trending these days and people use it without knowing its impact on their body. Healthy women take a powerful medication every day from their mid-teens to menopause - the Pill - but few know how this drug works or the potential side effects. Contrary to cultural myth, the birth-control pill impacts on every organ and function of the body, and yet most women do not even think of it as a drug. Depression, anxiety, paranoia, rage, panic attacks - just a few of the effects of the Pill on half of the over 80% of women who pop these tablets during their lifetimes. When the Pill was released, it was thought that women would not submit to taking a medication each day when they were not sick. Now the Pill is making women sick. However, there are a growing number of women looking for non-hormonal alternatives for preventing pregnancy. In a bid to spark the backlash against hormonal contraceptives, this book asks: Why can't we criticize the Pill?

Unisa's (2003) article titled "Pregnancies, Abortions and Women's Health in Rural Haryana, India" was based on a field study of five villages of Haryana during 2003. In this article she tried to bring about the facts of related with reproduction which includes pregnancy and health care facility. In this study the consequences of abortion on women's perceived health status and self reported health problems have been examined. It has been found that repeated pregnancies greatly worsen the

health of women and also deteriorated the already prevailing morbidity conditions. It was also notified that women who had experienced abortion have perceived their health status as relatively worse compared to their counterparts. Feldom (2012) shared her own experience in "Unorthodox". She belongs to a community where they were not educated about the reproduction and the process. She got married at an early age and was not aware about the function of marriage and reproduction process. She faced a lot of problems and emphasized that it is necessary to teach about reproduction and also about menstruation, as educating the child about reproduction and various aspects related to it is the best way to avoid such problems which she faced. Boston (2011) raised various issues related to gender identity and also reproductive rights. He stressed on the importance of reproductive rights starting from sexual health and reproductive choice, childbearing and even post reproductive years. He emphasized that women have full right over their bodies equally as men have. They should be given full control over their bodies and must be aware about the various functions their body performs, be it about menses or about child bearing. Every individual must be aware about their body functions and needs.

Urooj (2012) discussed various aspects of reproductive rights of women in her article, Reproductive Rights of Women: Issues and Concerns. In this article she emphasized on various issues related to reproductive rights if women such as giving birth in unhealthy condition, lack of nutrition, lack of facilities etc. According to her decision related to women's life and body are still taken by others often the men folk and it is often assumed that she will follow them. Women around the world still lack the basic information and services that are needed for healthy living. She emphasized that while making policies the government should keep in mind that services should be accountable and in consonance to the needs of the poor and marginalized.

CURRENT STATUS IN INDIA:-

An important indicator of human development of a country is the status of women or how women are treated in that country. As time is changing so is the status of women, it is clearly visible. Women today are going out, working equally to men and also take care of home. Various laws has been made to secure them, it includes abolition of sati, widow remarriage, equal pay for equal work, reservation for women in every field etc. But how far women do enjoy all their rights is an important issue yet to be studied. Sanchita Sharma in her article "Burden of Birth" showed the maternal mortality rate per one lac live births of various states as: Assam 300, U.P 285, Rajasthan 244, odissa 222, M.P. 221, Bihar 208, Punjab 141, Karnataka 133, Haryana 127, W.B 113, Gujrat 112, Tamil Nadu 79, Maharashtra 68 and

Kerala 61, making the national average of maternal mortality ratio of 167. As per the **National Family Health Survey 2015-16**, 26.8 percent of the surveyed women aged 20-24 years got married before 18 years where as 20.3 percent of the surveyed men aged between 25-29 years got married before 21 years. Total fertility rate is 2.2 while 7.9 percent women aged between 15-19 years were mothers or pregnant at the time of survey. When it comes to family planning methods 5.6 percent use condoms, 4.1 percent use pills, 1.5 percent use IUD/PPIUD commonly known as Copper-T, only 0.3 percent go for male sterilization while 36 percent opt for female sterilization and 53.6 percent use any other possible method which are not mentioned above. According to this survey 12.9 percent of married women aged between 19-49 years were not using any contraception and are at a risk of becoming pregnant or were pregnant with unwanted pregnancy. It is clear from this data that females are more suppressed in terms of their reproductive rights. Therefore it is very important to talk about the Reproductive Rights of Women.

In many societies including India, woman is valued only if she is able to 'produce' at least one child, which is a reflection of her social reproductive role in society. Otherwise, she loses her value in the family into which she is married as she will not be able to give a progeny to the family who can carry the generation, name and legacy forward. Infertility as we understand is the inability of a couple to achieve pregnancy within 12 months of unprotected intercourse. Nearly 60-80 million couples each year have been reported to suffer from this condition globally. In India nearly 25 per cent (15-20) million of population is affected by this condition. Infertile women in India experience a lot of personal suffering physically, physiologically and psychologically. Millions of infertile women around the world regardless of their status are affected by domestic violence. A study conducted by Pasi *et al* in 2011 indicates that out of 2023 samples of infertile women, nearly 77.8 percent reported physical and sexual violence in the 12 months before interview (Yildizhan, 2009). Sharma(2015) in her article talked about the social and legal position of women in India. She has also traced the women's struggle for their right and also cited gender inequality, health care programme, population explosion, Pre natal and Post -natal care as well as poor medical facilities as reasons for slow growth and development of reproductive rights. She believes emancipation of women is incomplete without assuring them reproductive rights. It is only when women have control over their body they can exercise all other rights.

CONCLUSION:-

Reproductive rights of women therefore does not restrict to having choice over children but also to her body. As a human being women too have right

over her body and must be respected for the same. She has a unique quality to give birth but that does not mean that she is a reproductive machine to give births. Marriage of course is an important aspect of life but in countries like India where patriarchy is deep-rooted, male think that after getting married their wife is their personal property and they can use her as and when they want but comprising fifty percent of the population a country like India can never think of development while neglecting women of its country. Women in India are given various rights in our constitution like equal before law, 33% reservation, Hindu Succession Act 1956, Protection of women from domestic violence 2005, Prohibition of child marriage act 2006, Sexual harassment of women at workplace (prevention, prohibition and redressal) act 2013 etc. but all these are of no use when a woman doesn't have any right over her body. When she can't decide when to have relation with her husband or when to have child then giving right over property will be of no means to her. When her body is not her's then how can be the property owned by her will be her's. Also the problem does not stop here but further extends to those who can't reproduce, such women have to live a miserable life, often left by their husband and family members they face various psychological issues like depression, suicide ect. Therefore all the women must be educated and aware of all her rights including her reproductive rights.

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