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# Challenges to Women's Reproductive Choice in 21st Century

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## ABSTRACT

*According to 21st century women has faced a lots of problems regarding reproductive choice mentally, physically, socially and legally. So basically, in India there are some places have laws make create a so worst condition for the women to get birth control or may be abortion to, especially those women who already struggle the same problems. If we talk about societies perspective they start judging the people according to their action, if we saw about reproductive rights they make women feel apologetic, reluctant, repentant, bashful, embarrassed about their reproductive right. They think that women are violate a societal norms. Also women can't get easily access to doctor regarding their healthcare service in relation to prenatal control. Now lots of things are changed in laws but still if we talk about the reproductive choice our parliament can't made a systematic laws and provision. This paper highlights that what are the challenges which women's are facing in relation to reproductive health or choices and discuss the lacunae in relation to reproductive health under the constitution and other major or minor laws, what was the status of women in ancient, medieval, British and contemporary period. So basically the purpose of this paper is to examine the nature and scope of rights related to reproductive and also some examples and case law related to violation of reproductive rights which is guaranteed under different schemes, conventions, policies and laws also. In United Nation report, under reproductive health, they discuss about women has treating like a instrument, tools etc. she face tones of problems like, female genital mutilation. Menstrual problem(including irregular periods, cramps, heavy bleeding) infertility, conception and contraception, miscarriage, etc. she got harassed mentally and physically both.*

**Keywords:** *Women empowerment, Status of women, Medical issues, Challenges*

## I. INTRODUCTION

In India has a patriarchal society. Women weren't allow to participate in any decision making and also not allow to say something about any issue in front of public. But in India society people are pretend to be like they value the women but on actually it is not. They are bound to follow all the protocols and decision whatever our Indian society made. Basically if had seen

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the history about Indian society on that era man are used to be the sole bread earner or on behalf they got more respect but in case of women it is not. In ancient to modern era violence against women is so increase, which deals under sec349-sec358 (deals criminal force and assault), sec359-sec374(kidnapping, abduction), sec 375-sec376E (sexual offence) in Indian Penal Code. If we had seen women generally don't complain against her husband, family-in-laws, but the patriarchy thought process changed the women they made women so misanthrope, inferior. Basically our Indian society mindset is very clear about man, if man sleeps various then our society won't judge but in a minute if a girl do the same thing then people call her characterless such a abusive terminology use, even if they had themselves slept with that women, so this is ridiculous discussion between man about women.

In the area of domestically and internationally, both reproductive rights and health become well established. The national and international organizations, there main aim is to uphold a worldwide network of activism, that has donate the visibility and develop the women health, by the source of political advocacy, and also improved the reproductive health of women.

There are still some changes is pending in relation to reproductive health, except some network and programming which were already well established.

The word reproductive right defines the freedom of individual basically it derives that the individual to regulate their decision in relation to contraception, abortions, sterilization and childbirth. Majority of such areas most of the research focus on the issues of abortion, it also come under issues to access to contraceptive, sterilization abuse and new standard of women's healthcare. In 1994 the International conference on population and development held in Cairo, this ICPD established the acceptance of a new standard addressing human reproduction and health. Their main focus on the basic need of individual, women empowerment connection between human rights and health, social justice, esteem for human dignity.

## **II. STATUS OF WOMEN IN INDIA**

In India status of women on ancient period is very different because on ancient time most of women participate on cultural activities, as you all know if we see in Rigveda their women basically suppose to do is holding position of authority and also they participate in ritual activities too. Later in Manusmriti, this smriti imposed some restriction women rights and freedom, this smriti also made some stricter rules and regulations so after this stricter norms women can't any advantage of their rights and freedom in toto they are actually bound under this smriti rules and regulations. Only limited access of education women can adopt and also expected to fulfill domestic duties. It is very noteworthy that there are some certain

interpretations and practices varied greatly, and there were instances of women holding some powerful and eminent position in some politics, religion and literature area.

During Vedic period the status of women is that women enjoy some equal amount to right and equality as compare to men. The vedic period can also be referred as period of feminine glory, some masculine sagacity and also liberalism. Women can participate in all the field like men. In Vedic period women also studied in gurukuls and enjoyed learning the vedas.

Some higher societies girls are allowed to go upanayana rite. And most of the great women like Gargi, Lopamudra, Visvara, Apala etc. were proficient in some art, music and even war-fare activities. The term “dampati” used in vedas it categorizes both men and women. According to Mahabharat, the wife has denoted as a root of dharma, enjoyment and prosperity. Without his wife no man are allowed to perform his religious duties. In western world, the status of women in India was typically based on equality, liberty and cooperation.

In pre vedic period on that period women had higher status as compared to later period. They had more freedom and rights, apart from they participate in numerous ways of activities like cultural programs, education field and more. According to this period women had also fundamental right that she can choose their spouse through a ceremonies which is called Swayamvara and it's comes under economic activities. Now after sometimes the role and status of women had changes due to some unclear reasons, in later vedic period. During this time women rights were seized because of some society patriarchal norms and thoughts, and one of the most important primary reason is religion. Societal people set the limits on women according to their religion, so this primary reason had this impact that her ability to marriage at will and their education right were revoked.

In post vedic period, a women suffered a lot of thresholds, created by Manu, their rights and privilege were restricted. During the vedic period the birth of daughter was not a source of anxiety, disaster, burden for the father, but in Manu the birth it was vice versa, the birth of daughter turns out to be the source of tsunami, anxiety for the father's. In this Smriti (Manusmriti) women's condition was so pathetic, their survival life was so harsh. Like education which had been totally acknowledged as a rule for women, was refused, after a while girl were totally rejected for access to education. In case of Upanayana or some sacred thread company which was presented to invite the every individual into the vedic studies but was prohibited for every girls, women and shudras and closing the doors to any formal educations. Child marriage started which were called pre puberty marriages, 9 -10yrs marriageable age of girls which was to lowered.

In Medieval period the status of women depending according to the factor like social class, region, religion and caste. In this period some high class women are enjoyed their rights and privileges but the rest women's are faced some social and legal restriction which were made by societal patriarchal norms. According to Hindu society the role of women were totally described on the basis of traditional norm and some cultural belief, spirituals. The system of Purdah was widespread in some societies, specially in upper classes, leads some limited mobility and social interactions. In hindu society some societies are allowed to women are actively participate in economic and social life independently. In muslim society specially in Delhi Sultanate and Mughal periods, in the area of cultural and religious practices women roles were so authentic. In muslim society those women who belongs upper class specially comes from noble families, they had full liberty to enjoy access amount to wealth, education and some political influence but on the other part those women who are not belong to the noble families or may be upper classes they had faced lots of constraints and violence on their mobility and public visibility they didn't enjoy wealth, education and political influence. As per the legal rights, women in India specially medieval period often had finite access regarding property ownership, marital matters and the last inheritance. Exception are always present in everywhere there are some certain women who had political power and authority, like 'Razia Sultana' who ruled in Delhi Sultanate in the 13<sup>th</sup> century. In toto in medieval period women had faced a lots of restrictions and challenges, it was totally diverse and complex. In this period society was too patriarchal and women's roles were largely described according by their relationship with their man and some household.

In british colonial period in India the status of women was drastically changed, some positive aspect like first of all they had banning such type of illegal practices it includes Satipratha and child marriage and made some new laws on the basis of protection of women's rights epically property ownership and inheritance and introduce in front of the public. British colonies and policies plays a significant role in status of women lives with some mixed consequences. Secondly western education provide some maximum amount of opportunities for those women who access formal schooling and pursue the career which was outside the home. But still British administration also support a cultural patriarchal structure and some religious law which they had constraint the women rights and privileges. Over all the status of women in British colonial period, were kind of say that it was very complex, this British period plays both types of roles like in some area it was to toxic and some it was to relaxing, helpful specially in the field of women rights and empowerment. This period also a perpetuated, they existing some inequalities to.

In contemporary period the status of women was totally depending on cultural norms and geographical condition and at the last some socio economic factors to. In India some part of the country, had worked on women right's, education, workplace participation and politics to.

- Education- maximum amount of girls are attending the schools and completing their education although partialities, barriers still exist, specifically in developing states. Also promote some scholarships for girls, school building programs and awareness campaigns.
- Participation on workplace- on workplace majority of women's are equally participated without any fear, scaredness in many states. Although they face lots of barriers like gender discrimination, minimum opportunities for career, some wage gaps and all. In most of public and private sectors, especially in industries sectors women's are still neglected, specifically in leadership opportunities.
- Legal rights -In India they made strides in enacting law and some policies to protect women rights, and it includes some laws against gender-based violence, discrimination and harassment. In some places implementation and enforcement are still not properly and legal protection of women rights are still inadequate in most of the part.
- Gender based violence- there are some violence which is against for women are domestic violence, sexual assault and trafficking. In an effort to stop violence against women of awareness campaigns, legal norms and also to change the cultural laws and patriarchal thought surrounding gender and violence.
- Medical service-access to health-related issues it includes reproductive health service and maternal health service is the important essential for women well being. Despite improvement has been made in developing women to health care services, societal barriers still exist, especially in patriarchal communities and some developing regions. Some of the health issues related to women is reproductive right, maternal morality and reached to family planning services and contraception.

In toto in the contemporary period many challenges and societal barriers still exist against the women, but there has been significant improvement in women's rights and gender equality.

### **Reproductive Rights**

Reproductive right are the right which deals various aspect like right to reproductive healthcare service, contraception, abortion, fertility treatment. This right defines the right of individual to make their own decision without any interruption, disturbance, also without any fear. They make

their decision by blithe, after all its comes under a fundamental right of individual. Every woman had their reproductive right, only they have to decide whether they give birth to unborn child or not. In addition, this right also defines the right to make informed choice, on this right it comes under family planning, childbirth and parenting, free from societal, cultural or government traumas.

Under reproductive right deals about equality, dignity without any discrimination. They also circumscribe wider societal and systematic factors. On this right it also consider comprehensive sex, education, economic opportunities and kind of social support system, spacing pregnancies also. There are some policies and programs which are dealt by advocate who supports maternal health, and decrease the maternal morality rates and make sure equitable access in relate to reproductive health care, gender identity. Until and unless it consider a fundamental right which mention in Article 21 of Indian Constitution which promote public health and upholding human right principal worldwide.

### **III. HISTORY OF REPRODUCTIVE RIGHTS**

Reproductive justice means that right can only be achieved when all the women have socio, economic and political resource to make wisely decision and also they are ready to accommodate the unborn babies, in toto the main agenda of reproductive justice is belief that –

1. The right to have babies
2. The right to not have babies

The history of reproductive rights, India was the first country in the world who made an official policy on family planning. It was the first five year plan which was aimed in 1952 their main motive was to improving the maternal and child health. The National planning policy of 1976 included the first target statistics during the emergency period (1975-1976), notwithstanding the policy's original lack of targets. Additionally state legislatures were able to enact legislation mandating sterilizations under the same policy. As a result, between 1967 and 1977, an estimated 8 million people were forcibly sterilized. The administration was forced to respond to the outcry by assuring the public that these programs were voluntary. If we discuss about the history of reproductive right, it is very complex. There are some major points if we discuss in details, the intention based approach was forsake in advantage of a rights – based request during the 1990's as a result of the Cairo ICPD and the Beijing Women's conference's programs of action, at this moment India was a part of this conference as a signatory. In 1800s the women right's movement with campaigner like Margaret Sanger advocating for admission to family planning reports and birth control after sometime her efforts turned out to the positive outcomes, she was

established the American birth control league, after a while they became a planned parenthood. In 20<sup>th</sup> century, reproductive rights were changed drastically, this century also saw some one of the most important landmark case Roe v Wade in 1973 which was held legalized abortion in united state. Reproductive right became a worldwide issue in all over the countries, many organization were participated on this issue like united nation, each one dealing to family planning service and reproductive healthcare. In 1994 the international conference on population and development highlighted reproductive right consider as a human rights.

Notwithstanding development, reproductive rights consistently face lots of obstacles like some barrier laws, societal patriarchal thoughts and neglected of services and all. In recent year lot of debates were continuously ongoing related to reproductive rights, they also dealing abortion, sex education etc. legal war and some argument and some public discourse consistently to figure out the landscape of reproductive rights globally.

### **The challenges faced by women's in 21<sup>st</sup> century for reproductive choice**

When it comes to reproductive health care, there is mentally, physically and social stigma a women face a lot of obstacles on relation to sterilization and institutionalization in 21<sup>st</sup> century. Just in case if a women accidentally become pregnant, then she facing a lot problem like, lack of mentally, physically and socially support, financial instability, maternal/ paternal distress, guardian preoccupation. Many issues of traumatic meetup with clinician and child and family services have been reported.

## **IV. CHALLENGES**

### **1. Menstrual Problem**

The most common and dangerous causes regarding reproductive health is menstrual irregularities, this problem have numerous of causes like hormonal imbalance, pregnancy problem, some infections, traumas, dysmenorrhea (menstrual pain), pelvic scarring, uterine abnormalities, menorrhagia (heavy bleeding).

### **2. Infertility**

When it comes to infertility in relation to reproductive health, it means that women are not being able to get conceive or pregnant after one year or more due to cause of unprotected sex. There are some certain reason that infertility happen-

- a- Hypothalamus and Pituitary glands perform improper functions \
- b- Premature Ovarian insufficiency



- c- Menopause
- d- whether Fallopian Tube are blocked, open and swollen

### **3. Sterilization**

Sterilization is a safer procedure for permanent birth control with some minimal complications. This procedure for women are define as female sterilization or tubal sterilization. This procedure is a long lasting step for unwanted pregnancy. The method to cure unwanted family planning with the help of Surgical Tubal Litigation this is very effective method, they block the fallopian tube. Only those women can use this method who belongs to 15 to 44yrs of age groups.

### **4. Contraceptive**

According to World Health Organization, contraceptive method usually uses for to cure the unintentional pregnancies through the help of numerous devices like drugs, chemical, operational procedure, and some sexual intercourse etc. It means that any object or any act whose main moto to protect the women from becoming pregnant can be adopt as a contraceptive method. The main objective of this method is to maximum comfort and privacy for all the women with minimum cost and side effect in relation to pregnancy.

The need of contraceptive method-

- a. It prevents the unwanted pregnancies
- b. It prevent STDs (sexually transmitted diseases)
- c. It protect adolescents of vulnerability

### **5. Miscarriage**

Miscarriage means loss of pregnancy before 20 weeks of pregnancy/ gestational period. It is very common especially in early period in pregnancy. It occurs a lot of reasons like-

- a. Fetus are generally not grow properly (due to some genetic abnormality)
- b. Some health issues like structural abnormality under reproductive organ
- c. Excessive amount of bleeding and some cramps

Basically highly miscarriage chances occurs in 10 to 15 percent of verified or either confirmed pregnancies. During the first 12 weeks about 85percent of miscarriage chances occur.

There are some causes of miscarriage are –

- a. Chromosome disorder
- b. Rubella
- c. Cytomegalovirus infection

- d. Diabetes
- e. Autoimmune disorders
- f. Antiphospholipid syndrome
- g. Recurrent pregnancy loss

#### **6. Legal barriers**

There are some certain amount of legal restriction on reproductive choices especially in relation to abortion like

##### **a. Murder**

Some certain place abortion is completely banned or it is considered as illegal but still people had do all these things.

##### **b. Lack of practices**

Many medical practitioners have no knowledge regarding how to abort a child? risking their health and lives. Some legal barriers lead women to unsafe abortions.

These are some challenges and problems regarding reproductive choice of women in 21st century.

## **V. CASE LAWS AND JUDGEMENTS**

In September 2022, the Supreme Court granted a petitioner permission to terminate her 22-week pregnancy in a *X v Principal Secretary*. In a decision that was celebrated among reproductive rights advocates, the Court found that any distinction made between the rights enjoyed by a person based solely on marital status is unconstitutional. Additionally, it recognised the unmet needs of marital rape survivors in situations of unwanted pregnancies.

The judgement held that the decision to carry a pregnancy to term or terminate it is firmly rooted in a woman's right to her bodily autonomy and her ability to choose her path in life. It also recognised that an unwanted pregnancy can have serious negative effects on a woman's life, such as disrupting her education, career, and mental well-being. But in 2023, the positive developments of 2021 and 2022 appear to have been overshadowed by anti-reproductive rights sentiments.

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