



## FGM PRACTICES IN BOHARA COMMUNITY IN INDIA

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**Paper Received On:** 25 September 2023

**Peer Reviewed On:** 21 October 2023

**Published On:** 01 December 2023

### Abstract

*Female Genital Mutilation (FGM) is an artistic practice that occurs in several societies and is rehearsed in India by some Islamic groups. The Bohra is one side of Islam in India known for their practice of FGM, with other Bohra sets reported as partaking in practices of FGM as well. The procedure constantly occurs at the age of seven and involves "all procedures involving partial or total junking of the external female genitalia or other injury to the female genital organs.". The process is generally performed by a traditional guru using a cutter or a blade and can range from Type I to Type IV. The consequences of FGM take on a wide range and can gauge from discomfort to sepsis and have also been identified with cerebral consequences, similar as post-traumatic stress complaint. The content of FGM has remained largely controversial and has garnered both support and opposition for the practice due to its roots in artistic and religious practices. transnational sweets have replaced to raise mindfulness on practices of FGM, and cases have been made to ban similar practices in India. In opposition, Dawoodi Bohra women have argued for the procedure, citing their religious and artistic freedoms as means for its authorization. Despite legal sweets to ban FGM practices in India, it has not been honored as current in India and remains legal. The present conceptual paper is to focused on Study of FGM practices in Bohara community in India with prime aims (i) To understand the concept of Female Genital Mutilation (FGM). (ii) To discuss the Female Genital Mutilation (FGM) within the Bohra community in India. (iii) To analyse the awareness of about Female Genital Mutilation (FGM) within the Bohra community in India. The methodology of the research is a different type involving an interpretative, conversation, observation and study secondary sources, like books, articles, journals, thesis, university news, expert opinion, and websites, etc.*

*Key Words: Female Genital Mutilation (FGM), Bohra community*

### Introduction:

Seeking to ban female genital mutilation (FGM), the Centre lately told the Supreme Court it was opposed to any practice in the name of religion, which "violates the integrity of

(a woman's) body part". The Bohra community, a Shia sub-sect, practises FGM in the form of khatna or khafz (female circumcision), which involves the total or partial junking of the clitoral hood. In the name of tradition, youthful girls aged six and seven are cut up regularly by midwives and croakers. The clitoral hood is frequently appertained to as 'haraam ki boti' or immoral lump of meat, which is removed in order to 'suppress' sexual urges in a woman. Bohras aren't the only community to exercise FGM in India. It's also rehearsed among different sets of Muslims in colorful corridor of Kerala, where it's called Sunnath Kalyanam. Delhi-grounded advocate Sunita Tiwari has filed a public interest action (PIL), seeking a ban on khafz. The PIL has stated that khafz doesn't have any religious environment and is carried out without any specific medical demand. According to the PIL, the practice should be made non-bailable offence since it includes "hygienic and illegal surgeries performed on their (Bohra minor girls) person for non-medical reasons". This PIL clashes with the position espoused by Bohra women who wish to uphold similar 'community traditions'.

### **Concept of FGM:**

Female Genital Mutilation (FGM) is a traditional dangerous practice that involves the partial or total junking of external female genitalia or other injury to female genital organs for non-medical reasons.

Female Genital Mutilation (FGM) comprises all procedures that involve partial or total junking of the external female genitalia, or other injury to the female genital organs for non-medical reasons. The practice has no health benefits for girls and women and beget severe bleeding and problems urinating, and latterly excrescencies, infections, as well as complications in parturition and increased threat of invigorated deaths.

-World Health Organisation

### **Objectives of the Study:**

1. To understand the concept of Female Genital Mutilation (FGM).
2. To discuss the Female Genital Mutilation (FGM) within the Bohra community in India
3. To analyse the awareness of about Female Genital Mutilation (FGM) within the Bohra community in India.

### **Some Important Practices for FGM:**

- However, such a position contradicts transnational delineations. According to the World Health Organisation (WHO), FGM refers to all procedures that involve partial

or total junking of the external female genitalia, or other injury to the female genital organs for non-medical reasons.

- By this description, khafz constitutes type 1 FGM (partial or total junking of the clitoris and/ or clitoral hood/ prepuce) and is widely recognised as violation of mortal rights.
- Since this practice is substantially conducted on minor girls, it's also in violation of UN Convention on Rights of a Child, of which India is one of the signatories. Last time, for the first time, the UN included India in the list of countries which exercise FGM.
- The government's position on Khafz in India has been riddled with contradictions in the history. Maneka Gandhi, minister for women and child development, in 2017 said, " We 'll write to separate state governments and Syedna, the Bohra high clerk, shortly to issue an edict to community members to give up FGM freely as it's a crime under the Indian Penal Code( IPC) and the Protection of Children from Sexual Offenses( POCSO) Act, 2012.
- If the Syedna doesn't respond, also we 'll bring in a law to ban the practice in India. " still, in response to the perception bean by Reuters, which called India the most dangerous country for women, the ministry released the following statement on June 27, 2018 " The cases of acid attack are only incidental in the country and as mentioned before, practices of stropping, female genital mutilation etc., aren't seen then. India can therefore not conceivably be the worst in the world in terms of violence. "
- Similar contradictions leave FGM survivors spooked and doubtful about their government's stage on this crime, indeed when it affects so numerous women in the country.

### **Types of FGM:**

Female genital mutilation is classified into 4 major types:

**Type 1:** This is the partial or total removal of the clitoral glans (the external and visible part of the clitoris, which is a sensitive part of the female genitals), and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans).

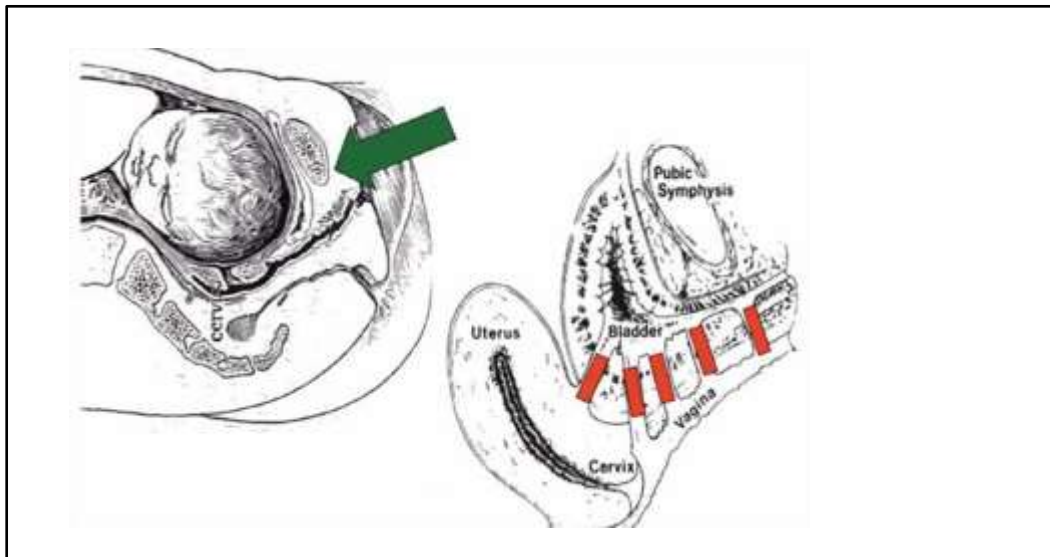
**Type 2:** This is the partial or total removal of the clitoral glans and the labia minora (the inner folds of the vulva), with or without removal of the labia majora (the outer folds of skin of the vulva).

**Type 3:** Also known as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoral prepuce/clitoral hood and glans.

**Type 4:** This includes all other harmful procedures to the female genitalia for non-medical purposes, e.g., pricking, piercing, incising, scraping and cauterizing the genital area.

#### **FGM most common for Bohra Community in India:**

Although FGM is declining in the majority of countries where it is most prevalent, progress eliminating the practice has been uneven. In some countries, FGM remains as common today as it was three decades ago. Over 70 per cent of women and girls aged 15 – 49 have undergone some form of genital mutilation in India.



#### **Female Genital Mutilation (FGM)**

##### **Cultural and Social factors for performing FGM to Bohra Community in India:**

- ✓ The reasons why FGM is performed vary from one region to another as well as over time and include a blend of sociocultural factors within families and communities.
- ✓ Where FGM is a social convention (social norm), the social pressure to conform to what others do and have been doing, as well as the need to be accepted socially and the fear of being rejected by the community, are strong provocations to immortalize the practice.
- ✓ FGM is frequently considered a necessary part of raising a girl, and a way to prepare her for majority and marriage. This can include controlling her fornication to promote adulterous purity and connubial dedication.

- ✓ Some people believe that the practice has religious support, although no religious scripts define the practice. Religious leaders take varying positions with regard to FGM, with some contributing to its abandonment.

### **Reasons for medicalized FGM for Bohra Community in India:**

There are numerous reasons why health- care providers perform FGM. These include

- ✓ The belief that there's reduced threat of complications associated with medicalized FGM as compared to non-medicalized FGM;
- ✓ The belief that medicalization of FGM could be a first step towards full abandonment of the practice;
- ✓ Health care providers who perform FGM are themselves members of FGM- exercising communities and are subject to the same social morals; and
- ✓ There may be a fiscal incitement to perform the practice.
- ✓ still, with WHO's support and training, numerous health care providers are getting lawyers for FGM abandonment within the clinical setting and with their families and communities.

### **Legal Aspects About FGM in India:**

- ✓ In May 2017, a solicitation was filed before the Supreme Court of India seeking a complete ban on the practice of FGM and protestation of the practice as illegal and unconstitutional. latterly, the matter was appertained to a larger indigenous bench, without an interim order being passed, and is still pending.
- ✓ The Dawoodi Bohra community, including the Dawoodi Bohra Women's Association for Religious Freedom (DBWRF), has queried this solicitation and sought to guard the continuance of this practice by arguing that a legal prohibition on FGM would violate their abecedarian right to freedom of religion elevated in the Constitution of India.
- ✓ The right to freedom of religion is guaranteed under Composition 25 and Composition 26 of the Constitution of India, but it isn't a guarantee and is subject to certain exceptions similar as public order, morality and health. FGM poses a grave trouble to the health of women and girls and can beget serious health issues. FGM doesn't simply cause physical injury, but also oppressively affects the existent's cerebral and emotional health and well- being and therefore directly affects the fleshly integrity and fleshly autonomy of the girl being cut.

- ✓ FGM also infringes upon a host of abecedarian rights, including Composition 14, which espouses the right to equivalency, Composition 15, which prohibits demarcation on colorful grounds similar as coitus, religion, race and others, and Composition 21, which speaks of the right to life and particular liberty.
- ✓ Also applicable then's a doctrine regressed by the Indian Supreme Court known as the 'essential religious practices test,' which is a test used to determine those corridor and practices of a religion that are abecedarian to the religion itself.
- ✓ The Bohra community has argued that FGM constitutes an essential religious practice and should thus not be obtruded with. still, the argument that FGM is essential to the Bohra community's religion is doubtful to hold. In 2017, the Supreme Court held that an essential part of religion constitutes the core beliefs upon which a religion is innovated.
- ✓ therefore, an essential practice means those practices that are abecedarian to follow a religious belief. As appertained to preliminarily, numerous Muslim maturity countries have formerly outlawed the practice, which easily shows that the practice of FGM isn't an necessary element for the practise of Islam, and thus, FGM can not be regarded as an essential point of the religion.

#### **UNICEF produce some mindfulness practices for FGM:**

- ✓ Barring FGM requires coordinated sweats that engage whole communities – youthful people, parents, religious leaders, civil society associations, activists, medical labor force, preceptors and policymakers.
- ✓ One of the most effective ways to end FGM is through collaborative abandonment, in which an entire community chooses to abstain the practice. This ensures that no single family or girl will be underprivileged for not sharing in FGM.
- ✓ UNICEF and the United Nations Population Fund( UNFPA) concertedly lead the world's largest programme to end FGM. Launched in 2008, the programme mates with communities to raise mindfulness of the damages caused by FGM and to shift social morals towards collaborative abandonment.
- ✓ UNICEF also works with governments at the public and indigenous situations to support the development of programs fastening on ending and outlawing FGM.
- ✓ For girls at threat of FGM, as well as FGM survivors, UNICEF provides access to medical and cerebral care, and supports health workers who give similar treatment.

**Conclusion:**

Female genital mutilation( FGM) refers to all procedures involving partial or total junking of the female external genitalia or other injury to the female genital organs for non-medical reasons. It's most frequently carried out on youthful girls between immaturity and age 15. In every form in which it's rehearsed, FGM is a violation of girls' and women's abecedarian mortal rights, including their rights to health, security and quality.

In conclusion, the practice can not be justified by stating that the community's traditions and culture shouldn't be obtruded with, counting upon a artistic relativism argument FGM/ C is an innately violent and discriminative practice that harms women.

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**Cite Your Article as:**

Adv. Snehal Chetan Chavan Ghadage Patil. (2023). FGM PRACTICES IN BOHARA COMMUNITY IN INDIA. In *Scholarly Research Journal for Humanity Science & English Language* (Vol. 11, Number 60, pp. 329–335). Zenodo. <https://doi.org/10.5281/zenodo.10419484>