

FGM and Human Rights Violation

Sonam Varshney¹, Kumar Kunal²

¹(NET/ JRF/SRF), PH. D. Scholar, Faculty of Law, University of Delhi.

²(SRF), PH. D. Scholar, Faculty of Law, University of Delhi.

¹sonamvarshney65@gmail.com, ²kunalenfrance@gmail.com

How to cite this article: Sonam Varshney, Kumar Kunal (2024) FGM and Human Rights Violation. *Library Progress International*, 44(3), 22230-22238.

*"If men are oppressed it is tragedy but if women are oppressed it is tradition"*¹

*"It is my aspiration that health finally will be seen not as a blessing to be wished for, but as a human right to be fought for"*²

ABSTRACT:

There are various forms of traditional practices and one of them is FGM, in which there is excision of female genital part for non-medical reason. The grave violation occurs in the form of piercing of female genitalia during the infancy of a female child on the ground that this is a pious obligation to get remedies of sinful practices. This surgery is performed amongst the females of age starting from 0-49 years of age. That child when grow never feels her sexual autonomy in her young age and post-marriage when the stitches are removed the painful insertion occurs which always remains unspoken on the verge of a customary rite. The risk becomes major during pregnancy time when obstetric issues occur. This particular form of violence never ends till a woman survives. During Covid the women have come across with their stories that behind the doors this practice has been continued fearlessly and those who do not follow the ritual of this practice are discarded. The laws are manifested to protect the rights of children and women. They cannot be set in a moribund situation on the verge of a traditional practice. Till date nearly 200 million women have been circumcised across the globe and still there is no data in India about FGM. Efforts should be made to stop this pandemic violence.

Keywords

Excision, piercing, circumcision, genital, obstetric.

1. Introduction

FGM/FGC/Khatna or Khafd is a practice prevalent majorly amongst Dawoodi Bohra Community in Shia sect of Islam, where part of female genitalia is cut for non-medical purpose, however this practice is now also been practiced among other Bohras such as Alavi and Sulemani Bohras under Ismailiyah sect of Shia Islam. The physical suffering, inhumanity, and mental torture that the girls and women of the Dawoodi Bohra community endured for the rest of their lives are of great concern to women themselves. These atrocities were caused by unsafe and illegal surgeries that were performed on them as children for reasons that weren't medical, when they were too young to understand or comprehend what had happened to them. These surgeries invaded their privacy and left them physically disfigured by the time they reached adulthood, ending their feelings of womanhood and sexual desires.

In the case filed³ in this regard the petitioner is seeking a writ of mandamus and/or other appropriate

¹ Quotation said by, "letty cottin pogrebin" available at <https://www.goodreads.com/quotes/411747-when-men-are-oppressed-it-s-a-tragedy-when-women-are>, accessed on 2024-03-09

² UN Secretary-General Kofi Annan, <https://www.unfp.org/resources/quotes-human-rights>

³ Sunita Tiwari versus Union of India Writ Petition Civil No. 286/2017 (Supreme Court of India)

writ/order/direction against all Respondents⁴ under Article 32 of the Indian Constitution requested for imposing a complete ban on Khatna or Female Genital Mutilation, declaring it a criminal offence and directing the Respondents to consider making stricter laws for the prosecution and punishment for committing Khatna and/or for aiding, practicing, perpetrating, and abetting such offence, as, in the name of an obsolete ritual, an extensive amount of physical and psychological harm is caused.

FGM, commonly referred to as Khatna, is a form of violence against women. Women who have had a Khatna have, nevertheless, been talking about their experiences for a while, but only after promising to remain anonymous because of pressure. They did not want family members who carried out khatna or permitted their daughter to do so to face legal repercussions. Contributing to Female Genital Cutting (FGC) can have serious implications in the United States, including deportation, jail, and/or removal of the child from custody. The procedure of removing all or a portion of the female genitalia is called Khatna. Its customary practice carried out on all female children in the Dawoodi Bohra sect without any medical justification and without a mention in the Quran. It infringes both human and children's rights. Additionally, it is illegal in the United States of America under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as well as in Australia and a few other nations. It also breaches the Universal Declaration of Human Rights. Apart from numerous other nations like Australia, the United States, the United Kingdoms, etc., a significant number of African countries 27 in total have outlawed and proclaimed FGM to be illegal. These countries are said to be the genesis of FGM. However, FGM is not prohibited by legislation in India.

The practices of "Khatna," "FGM," "Female Circumcision," and "Khafd" also contribute to gender inequity and discriminate against women. Because it is done on juveniles, it violates their rights gravely because even children have the right to bodily integrity, privacy, security of person, and freedom from cruel, inhumane, or degrading treatment.

That female genital mutilation is illegal under Indian Penal Code, 1860 sections 320, 322, 334, 335, 336, 337, 338, and 340.

Jurisprudential aspect with respect to fundamentals of rights:

According to Hohfeld's legal relationship, obligations and rights are related to one another. respecting that right and upholding one's obligations under it is one's duty.

According to John Austin, there are distinctions between private and public rights, and each has its own set of restrictions. One should understand the rationale behind this feature. If someone's respect and dignity were to be protected, then that person's need to interact with the public does not negate the foundation for its existence. When someone walks into a public space like a street, their expectations of privacy differ from those of someone who expects seclusion at home.

Decades of constitutional jurisprudence have examined the inalienable theory of life, liberty, and dignity protection. Our Indian Constitution's Preamble has a reference to "dignity." The framers of the Constitution envisioned "justice" from social, economic, and political perspectives; "liberty" of thought, expression, belief, faith, and worship; and "equality" of status and opportunity, which guarantees "dignity" of an individual and equal treatment of all citizens free from bias and arbitrariness. When combined, these terms create a society that is humanitarian and caring. It is up to each individual to decide whether or not their exercise of rights has compromised the community's or society's overall wellbeing⁵.

Every person has generally applicable human rights, which grant us all the freedom to practise some culturally specific behaviours. To protect the right to practise FGM in a culture where it is accepted, provided that it is carried out freely and with consent, on members of the Bohra community who have given their express agreement. However, if it is discovered that this cultural practice violates human rights, will it still be allowed to continue

⁴ Union of India and its concerned ministries as well as the State Governments where the Dawoodi Bohras are large in number.

⁵ Austin, in his lecture on *Jurisprudence*, (1869), spoke on the distinction between public and the private realms: 'jus publicum and jus privatum'. Referred in original judgment of case, "*Justice K.S.Puttaswamy (Retd.) and Another versus Union of India and Others*" (2017) 10 SCC 1, P.28, available at https://main.sci.gov.in/supremecourt/2012/35071/35071_2012_Judgement_24-Aug-2017.pdf, visited on 2021-07-01.

under their rights?

Numerous instances have shown that it is carried out against will by increasing the pressure of neighbourhood boycotts. There, it turns into a socio-legal problem that needs to be addressed because it violates other laws and human rights.

"The court is our constitution's guardian. The Preamble of our Indian Constitution outlines goals that the judiciary hopes to accomplish through the "rule of law" and just decisions. Since nothing can be done arbitrarily without according to the due process of law, the concept of equality as defined by Article 14 states that it is ultimately the "rule by law" rather than just the "rule of law." Because of this, the country's founders believed that a constitution should state that "We the people of India having been solemnly resolved to constitute India into a Socialist, Secular, Democratic, Republic... gave to ourselves this Constitution," which would serve as a directive that would apply to each and every one of its citizens equally. Constitutional morality plays a crucial role in making decisions. The establishment of fundamental rights in our society produces a force of social functionalism and legal regulation"⁶. Fundamental rights are both moral and legal realities.

The foundational rights of the Constitution assert that how people are treated in society today should take precedence over the creation and application of laws. The reasoning behind the choice being made about rights is that situations must be decided rationally in order to avoid causing a split between legality, social morality, and rights.

Morality, obligation, and rights are frequently shown to be correlated with one another. For instance, a doctor who treats a patient without hesitation in an emergency situation may be held accountable under both criminal and tort law. Anyone who is hurt has a right to medical care. According to medical practice guidelines and legal provisions, it is illegal for a doctor to operate on a patient without the patient's or their family's consent. However, section 92, illustration (c) of the Indian Penal Code, 1860 states that if a surgeon notices a child who has been seriously injured in an accident, the child may not survive unless the operation is carried out quickly. Feeling obligated by his professional duty, the surgeon immediately performed surgery to save the child's life. Thus, we can say here that in order to make any decision, rights, the law, and morality must all be in harmony. It is the "right" that bridges the gaps between legal requirements and moral principles, as well as between theoretical frameworks and actual behaviour related to theories. Our constitution upholds moral principles like "justice," "liberty," "equality," and "fraternity," which are the objectives we must pursue.

FGM is not health-promoting; on the contrary, it causes several harms to women and girls. It entails taking out and destroying normal, healthy female vaginal tissue. It obstructs women's and girls' bodies' natural processes. FGM is frequently performed without anaesthesia or medical supervision, and occasionally things go very wrong. It frequently results in discomfort, shock, genital sores, tetanus, profuse bleeding, etc. The psychological effects on the victims are also long-lasting and include post-traumatic stress disorder, nightmares, sexual disorders, and fear of sexual intimacy. The practice is more of a cultural custom and has nothing to do with religion." The fundamental cause of FGM is patriarchy. It originates from the idea that a woman's sexuality is harmful to the patriarchal system. Because of this, people must be subdued and their bodies must be greatly altered in opposition to God and nature.

UN's, UDHR's protection for women and children.

In an effort to focus attention on ending female genital mutilation, the UN General Assembly declared February 6th to be the International Day of Zero Tolerance for Female Genital Mutilation. The UN is working to completely eradicate FGM by 2030 in accordance with Sustainable Development Goal (SDG) 5 (Gender Equality). Since 2008, 17 countries in Africa and the Middle East have been the focus of the world's largest cooperative effort between UNFPA and UNICEF, which aims to accelerate the elimination of FGM.

This ideology holds that women are not allowed to love, have no control over their bodies, are not allowed to enjoy sex, and are a source of temptation. Despite being obligated to take action, India has not upheld the rights of the women and girls who are part of the Bohra Community living in India, despite having ratified and signed the UN Universal Declaration of Human Rights and the UN Convention on the Rights of the Child. FGM is prohibited everywhere since it is acknowledged as a practice that infringes various rights due to the fact that it is

⁶ Rule of law a detailed analysis, Tanya Sharma, IJCRT Vol 8 Issue 10 Oct, 2020, available at <https://g.co/about/3kfkf8>

done on kids against their will. 194 nations worldwide have signed a UN resolution that was passed in December 2012 and condemned female genital mutilation (FGM) and called for its outlawing. 27 African nations have outlawed the practice but still with regard to FGM/FGC, there is no legislation in India⁷. For the first time "India's Dark Secret"⁸ opened up to learn about the forbidden practice of FGM, or Khatna, being carried out on young girls who are part of the Bohra Community. After that, some research and number of news stories and articles on the topic, including print and social media interviews with women from the Bohra community who were forced to undergo Khatna illegally, against their will, and without even knowing about it as children came ahead. Their fear of social exclusion prevented them from speaking out about this illegal procedure that was being applied to them. Nonetheless, a few forward-thinking and intelligent women from the community have had the courage to speak out about it in interviews during the recent past few years. FGM supporters claimed that clitoral unhooding, or "khatna," is what Bohras do instead of "FGM." Bohras merely prick, nick or cut the prepuce, or the little tip of the clitoris, according to their justification for the activity. international organisations, such as the UN Universal Declaration of Human Rights and the UN Convention on the Rights of the Child, have not done enough to protect the interests of women and children.

The fundamental ideology behind this practice is against the goals outlined in our Constitution. Therefore, in the eyes of the law, this behaviour is meaningless as it violates such an idea. As I have already mentioned, fundamental rights serve as a link between the ideal values we hold dear and the actual application of those values in daily life. Therefore, they must first be acknowledged in order to exercise their rights. Legislative bodies, enforcement agencies, and instrumental agencies cannot begin to ensure that their work is done with further futuristic enhancement to guarantee that rights have been realised and that enforcement has brought them up to their proper place in the proper sense until after they have been recognised.

The accomplishment of the objectives stated in our Constitution is not the main purpose of this practice. Because it goes against such an idea, this action is therefore useless in the eyes of the law.

Fundamental rights are the link between the ideal principles we uphold and the practical application of those values in day-to-day living, as I've already mentioned. Therefore, in order for them to use their rights, they must first be acknowledged. Only after rights have been acknowledged can legislature, enforcement agencies, and instrumental agencies start to make sure that their work is done with further futuristic enhancement to guarantee that rights have been realised and that enforcement has brought them up to their proper place in the proper sense. The main causes of these issues include patriarchal mindset and dominance, a delay in delivering justice, and the enforcement authorities' failure to implement the black letter law.

Ban on FGM:

The UK took the lead in making type I and type II FGM illegal for 28 years, primarily to protect the interests of girls. Nevertheless, the legislation was drafted dangerously, and no one has been arrested. Although there are no explicit laws prohibiting FGM in France, there have been 29 cases and 100 convictions based on EU guidelines, with both the parents and the cutter serving two years and eighteen months in prison. Amnesty International backs these principles by advocating efforts that highlight the FGM of young children. Recently, Sudan has made Anti FGM laws and USA did the same to stop FGM. An analysis of a survey/study revealed that if there is eighty percent chance that a daughter of a mutilated mother will likewise undergo female genital mutilation but nowadays mothers have got to know that this practice has nothing to do with culture but just to control the sexual autonomy this has been performed.

But despite all of this, there was a glimmer of hope when Sudan decided to make FGM illegal⁹. According to a historic draft law approved by the transitional government, anyone found guilty of performing the procedure would face a three-year prison sentence under the proposed amendment to the criminal code. Eighty-seven percent of Sudanese women and girls were subjected to FGM through infibulations¹⁰. Examining the laws that are currently in place critically reveals that while they have been passed, they are not severe enough to make offenders

⁷ Ban on Female Genital Mutilation, Supreme Court Observer Sunita Tiwari v. Union of India W.P. (C.) 286/2017

⁸ Hindustan Times news report by Harinder Baweja, available at, <https://www.hindustantimes.com/static/fgm-indias-dark-secret/>

⁹ On 22 April, 2020, Sudanese Govt. banned FGM

¹⁰ UN Data retrieved in 2014.

fear that they will face such terrible repercussions that they will be unable to even consider executing a "khatna" or "circumcision" on someone.

Only when combined with the idea of justice can a law serve as a tool for social control. We are all aware that the principles outlined in our fundamental rights offer us protection from social discrimination, the enforcement of our rights, and the provision of justice. However, does this not create a gap between the enactment of laws and their actual implementation, which appears to be the pursuit of true justice for society, or is this a myth? The main issues facing our society are unemployment, poverty, illiteracy, and socioeconomic issues that need to be addressed immediately. However, nothing seems to be happening in practice; instead, the situation on the ground demonstrates that rights in and of themselves do exist, but whether or not those rights are actually realised depends on productive outcomes in terms of applying justice for us? Not only must justice be served, but it must also appear to be served.

Case regarding FGM/C/ Khatna in India¹¹: In an ongoing Public Interest Litigation brought by petitioner and attorney Sunita Tiwari against the cruel ritual that has put countless women's health at risk, centres on an antiquated custom that began with men and was subsequently adopted by women as a sign of virginity that offers no advantages. It results in dangerous urinary and uterine infections, and in many cases, even fatalities.

The freedom to practise our faith and beliefs, as well as our conscience's right to declare our religion, are guaranteed by Articles 25 and 26. However, these rights do not extend to forcing someone to adopt our traditions or beliefs, torturing them or engaging in social boycotts when they reject them. When a girl between the ages of 0 and 15 is circumcised, she has such severe internal bleeding and injuries that the traditionalists doing the procedure are unable to give medical care for the kid. Despite having all rights, the child feels extremely vulnerable. Let the individual determine whose body it is of their own free decision. Articles 14, 15, 19, and 21 as well as Section 3(b) of the Prevention of Children from Sexual Offences Act (POCSO Act) have all been flagrantly violated. The distinction between female khatna, circumcision, and mutilation is undeniable; they are all interchangeable and encompass all forms of circumcision including non-medical surgery. The victim is that woman, who is physically and mentally ill, as well as her family members, who feel powerless in the face of this social evil.

For most communities, female genital mutilation is carried out between the ages of 4 and 14 years, primarily as a rite of passage from infancy to maturity. Nonetheless, the age might change, as in In Uganda, FGM is carried out on young females, whereas in Nigeria, it is done on infants during their first few months of life.

The Inter African Committee on Traditional Practices Affecting the Health of Women and Children used and approved the term FGM. The important thing to remember is that even the most basic type of "female circumcision" might interfere with a girl's ability to have regular sex, which violates her right to life, her right to physical integrity, her right to health, and her right not to be tortured. Here, sex-based discrimination against women jeopardises their ability to enjoy and be recognised for their fundamental rights to life and personal freedoms. "Chronic pain, infection, keloids, fibrosis, primary infertility, and psychological suffering like post-traumatic stress disorder are among the long-term risks of FGM/C¹².

The right to life is regarded as a fundamental human right and is safeguarded by a number of international agreements¹³. However, what would happen if this right were restricted and resulted in excruciating pain and bleeding? Long-term effects could include infections, chronic pain, a diminished capacity for sexual pleasure, and psychological post-traumatic mental disorders. There needs to be a check and balance on this practice because it is a major issue that they are now dealing with.

In the State of Kerala, there is a Hindu temple devoted to the Sabrimala Shrine¹⁴. Women who were menstruation were not allowed inside. Kerala High made the ruling that the priest had the authority to make decisions. Five solicitors petitioned the matter before the Supreme Court under Articles 14, 15, 21, 25, and 26 of the Indian Constitution as well as Section 3(b) of the Hindu Place of Public Worship Act, 1965 are violated by this limitation on women's access.

¹¹ The Case: Union of India v. Sunita Tiwari The public interest litigation known as Writ Petition Civil No. 286/2017

¹² Arguments raised in Sunita Tiwari v. Union of India WP (C) 286/2017

¹³ Art 3 UDHR.

¹⁴ Indian Young Lawyers Association v. State of Kerala W.P. (C) No. 373/2006 Supreme Court of India.

The Apex Court unanimously decided by majority of 4:1, with Justice Indu Malhotra being the lone dissenting judge, that it is unlawful to prevent women of a particular age range who are in their "menstruating years" from accessing Sabarimala Temple. Religion-related freedom is fundamental to democracy's operation, and it cannot be restricted because of a superfluous custom. Thus, the Apex Court attempted to close the gap between social realities and constitutional objectives.

The Supreme Court decided that *the right to privacy* includes autonomy of sexuality and reproduction" in the historic decision of Justice K. S. Puttaswamy v. Union of India¹⁵. Enjoying one's rights under Part III of the Indian Constitution has always required maintaining one's privacy, which is an inherent right. The Supreme Court ruled that the legal process provided a just and acceptable means of restricting our right to privacy. The benefits of social assistance must be balanced with the justifiable goals of crime prevention and investigation.

As dignity is an enduring component of liberty and freedom, the Constitution Bench ruled. Since dignity is an eternal virtue, it lacks a specific definition and is therefore intrinsic. By making the appropriate decisions to ensure its safety, the state has a responsibility to look after it. Since it exists in the shape of virtues and ideals that are inherently linked to freedom and liberty and which no one can dispute, neither one can take it from you nor give it to you in a material sense. There is a right to virtue for every human being born into their family. In the event that someone loses their dignity, they pass away. It is insufficient to defend FGM as a religious practice. FGM is frequently associated, in many regions, with a ceremony that signifies the introduction into womanhood and coming of age. The procedure was determined to be primarily motivated by religious requirements, tradition, custom, and the desire to limit the girl's sexuality, according to research done among the women of the Dawoodi Bohra community.

The freedom of religion and the ability to administer religious issues are protected in Articles 25 and 26 of the Indian Constitution. Article 25 guarantees the right to freedom of religion for each individual. Part III of the Indian Constitution, which guarantees fundamental rights like the right to equality and the prohibition of sex-based discrimination, is where such freedoms are restricted. These rights are outlined in Articles 14 and 15 of the Indian Constitution. In addition, public health, morals, and order are subject to this kind of freedom.

In particular, CEDAW challenges discriminatory customs and practices and vigorously advocates for women's rights. In addition to urging States Parties "to modify or abolish existing regulation, customs and practices which constitute discrimination against women," The prompt action to end discriminatory acts or practices. States Parties are required to "achieve the elimination of prejudices and other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women with regard to men and women's social and cultural patterns of conduct."¹⁶

Sustainable development Goal regarding FGM¹⁷:

SDG Goal 5 talks about gender equality and elimination of FGM.

The survival of female victims of FGM/FGC becomes so critical that they nearly perish every second, and despite the harmful effects, this psychological and physical abuse is nonetheless carried out for the sake of a single cultural belief. The women experience such extreme mistreatment that there is not just a loss to society but also a significant financial loss. Inequality and violence in any form, whether committed in the name of a relationship or for religious reasons, should not be accepted by the entire world, according to SGD aim 5.2.

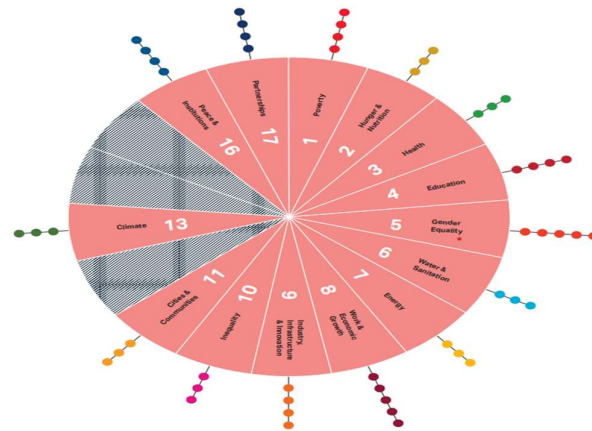
Image Source¹⁸:

¹⁵ AIR 2017 SC 4161.

¹⁶ Art 5 CEDAW

¹⁷ <https://unstats.un.org/sdgs/files/metadata-compilation/metadata-goal-5.pdf>

¹⁸ Image source: Harnessing the power for gender equality, equal measures 2030, available at https://www.fgmcni.org/media/uploads/Thematic%20Research%20and%20Resources/SDGs/em2030_2019_global_report_english_web.pdf



With regard to the first point, Indicator 5.1.1 assesses whether or not there are national laws that support gender equality and prohibit discrimination against women and girls, as well as mechanisms in place to enforce and monitor the application of respective legal frameworks.

Objective 5.3: Get rid of all destructive customs, including female genital mutilation and child, early, and forced marriage. The percentage of women in the 20–24 age range who got married or joined a union for the first time by the age of 18 is shown by this indicator. The calculation involves dividing the total number of women in the population who are 20–24 years old by the number of women who were first married or in a union by the age of 18¹⁹.

Justification and explication. One of the most fundamental violations of human rights is getting married before turning eighteen. A girl's development is frequently jeopardised by child marriage, which can lead to early pregnancy, social isolation, interrupted schooling, limited professional and vocational progression options, and an increased risk of intimate partner violence. Girls who hit puberty are typically required to conform to gender roles that are connected to adopt gender norms that are connected to femininity. These consist of getting married and having children. Many international conventions and accords address the problem of child marriage for instance, African Charter on the Rights and Welfare of the Child; the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa; the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages; the Universal Declaration of Human Rights; and the Convention on the Elimination of All Forms of Discrimination Against Women, (Article 16). The Convention on the Rights of the Child does not specifically address marriage, but it does link child marriage to other rights like the freedom of expression and the right to protection.

Girls' and women's human rights are violated by FGM and C. Numerous academic studies have also been conducted that show the long-term and short-term negative effects of FGM/C on health. Several international agreements and treaties, such as the Universal Declaration of Human Rights (Article 25), forbid FGM/C. It is possible to use the UN Convention on the Elimination of All Forms of Discrimination Against Women in relation to FGM/C since it is regarded as a form of violence against women. Condemning it as torture also places it under the purview of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Additionally, given that FGM/C is seen as a customary practice harmful to children's health, cruel, inhumane, or humiliating treatment in place of discipline. Furthermore, because FGM/C is typically carried out on minors and is thought to be a traditional practice harmful to children's health, it violates the current national laws.

¹⁹ United Nations Sustainable development goals, “*Take Action for the Sustainable Development Goals*” available at <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

“The WHO divides FGM into four categories:

Type I: Clitoridectomy, which is the partial or complete removal of the prepuce and/or clitoris.

Type II: Excision of the labia majora (excision) or partial or complete removal of the clitoris and labia minora.

Type III: Narrowing of the vaginal opening with the labia minora and/or majora cut and positioned to create a covering seal, either with or without clitoris excision (infibulation).

Type IV: Any additional hazardous non-medical treatments (such as tugging, piercing, incising, scraping, and cauterization) that are performed on the female genitalia.

Healthy, normal genital tissue can be damaged or removed, which can interfere with the body's natural processes and have a number of short- and long-term health effects”²⁰.

Conclusions and Suggestions:

“Equality is there when we create our own culture without fear and violence”.

Legality and access to justice are threatened by FGM. Prior to the creation of the sustainable development goal, our Indian Constitution's Preamble set out the ideals of justice, liberty, equality, and fraternity, which we now strive to uphold. Although we are greatly protected by international laws through various agencies such as CEDAW, UDHR, UNICEF, UNFPA, WHO, Elimination of All Forms of Discrimination against Women, UN General Assembly resolutions, and national laws through Art. 13, 14, 15, 19, 21, 25, 26, POCSO Act, IPC, 1860, we still do not have laws in India, in contrast to countries like Sudan and the USA. There is an obvious restriction on fundamental rights, which helps us understand that there is a distinction between the conception of the law and the actual its actual enforcement in the world and from the standpoint of social rights as well as other relevant political rights, the concept of fundamental rights directs us. By bringing morality and the law together with a meaningful application of the law, these rights attempt to deepen our understanding of thought by bridging the gap between the idealism expressed in our Preamble and the tangible world. Finally, I would want to submit that there is a global call to stop FGM.

²⁰ WHO, Types of FGM data available at <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>.