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## An Overview Of Fgm/ C And An Analysis Of Different Intervention & Feasibility To Eradicate The Same In India

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### Abstract

Female genital mutilation or female circumcision is the collective name given to several different traditional practices that involve the cutting of female genitals. The term FGM is reserved to describe ritualistic practices where actual cutting and removal of sexual organs takes place". The procedure is performed using a blade or shard of glass by a religious leader, town elder, or a medical professional with limited training. In about 15% of cases, infibulation, the most severe form of FGM, involves the removal of the labia and the suturing together of the vulva; this practice may place the victim's life at risk. In contrast to male circumcision, the procedure produces no known health benefits and is not performed for medical reasons. FGM is widely recognized as a procedure that violates a person's human rights, as well as increases their risk for health complications.

Sustainable Development Goal (SDG) target 5.3.2 focuses on the elimination of all harmful practices including female genital mutilation (FGM), a deeply entrenched cultural practice also referred to as female genital cutting or female circumcision. While much work has focused on advocacy and prevention efforts in countries of high prevalence in Africa and diaspora in Europe, there has been a paucity of discussion on FGM in the Asia-Pacific region. FGM is practised in India, Sri Lanka, Bangladesh, Thailand, Malaysia, Brunei, Singapore, Cambodia, Vietnam, Laos, the Philippines and Indonesia; however, none of these countries are supported by the UNFPA-UNICEF Joint Programme on the Abandonment of FGM. The cruel practise of female genital cutting, or female genital mutilation (FGM) is not happening only far away from Africa. It's not just being practised in tribal societies. Young girls aged six and seven are regularly being cut right here, in India. Mumbai abounds with untrained midwives who continue to scar young girls from the Bohra community, a Shia subsect. For long, FGM or khatna as the Bohras call it remained a well-kept secret, a taboo, a subject never to be discussed.

The sad truth to this painful process is the fact that it is a practice being done to women by other women. The reference of "*haram ki boti*", roughly translates to a forbidden piece of flesh (the clitoris) in itself is downgrading and inhuman. Women are supposed to be treated like humans, and humans have urges. And to be able to express sexuality is the right of every human being. The strange part is that there is no mention of female circumcision in the Islamic texts. There have been several women over the years who belong to the Dawoodi Bohra Community, who have come forward to create awareness but still, there is no data on this (<https://data.worldbank.org/indicator/SH.STA.FGMS.ZS?locations=IN>) . On searching over several medical and general platforms, very few articles were available to support the idea of FGM being practised in India.

### Introduction

Some Islamic groups in India practise female genital mutilation (FGM). The surgery, which involves the entire or partial removal of the clitoral hood, is usually performed when a girl is seven years old. FGM can have a variety of consequences, ranging from discomfort to infection. The Dawoodi Bohra, a Shia Islam sect with one million followers in India, practise female genital mutilation. [1] The surgery, also

known as khatna, khafz, or khafd, is performed on six- or seven-year-old girls and involves the removal of the clitoral hood entirely or partially. [2] [1] Mufaddal Saifuddin, the Dawoodi Bohra's spiritual leader, clarified that while "religious books written over a thousand years ago specify the requirements for both males and females as acts of religious purity," the Bohras must "respect the law of the land" and refrain from performing Islamic female circumcision in countries where it is illegal. Other Bohra sects, such as the Sulemani and Alavi Bohras[4], as well as several Sunni communities in Kerala, are said to practise FGM. [5]

### Women's Status in the Bohra Community

In the second half of the twentieth century, the status of women in the Bohra community changed dramatically. Women of the Bohra sect, according to Jonah Blank, are among the most educated in the Indian subcontinent. [193] In the United States and Europe, female Bohra have gone on to become business entrepreneurs, lawyers, doctors, teachers, and leaders in a variety of fields. [194] On 7 June 2019, U.S. Congresswoman Brenda Lawrence (Democrat, Michigan's 14th congressional district) spoke at an interfaith Eid al-Fitr celebration hosted by the Dawoodi Bohra community of Detroit, Michigan, United States. She praised the Bohras for "using their voices to make progress on countless issues including gender equality and the environment." [195]

The Dawoodi Bohra practise khatna,[196] khafd,[197], or khafz,[198], which is considered female genital mutilation by critics (FGM). When girls reach their seventh year, a conventional circumciser performs the treatment for the most part without anaesthesia. [199] Non-Bohra women who want to marry into the group must also go through the process. [200] There are no authoritative studies on the scope of the Bohra practise. [197] [201] They were conducting clitorectomy, according to a 1911 Bombay census of uncertain authenticity. [202] The Bohra, according to a 1991 article in Manushi, remove either the clitoral hood or the clitoris tip. [203][204] Supporters argue that the Bohra merely remove the clitoral hood or perform symbolic nicking, and that the procedure should be referred to as "female circumcision," not FGM. [198] According to a qualitative survey conducted in 2018 by WeSpeakOut, an anti-FGM organisation, most Bohra girls undergo Type I FGM, which involves the removal of the clitoral hood or clitoral glans.[206][207] A gynaecologist who took part in the study examined 20 Bohra women and discovered that in the majority of cases, both the clitoris and the clitoral hood had been cut. [e] The findings of the survey, according to the Dawoodi Bohra Women's Association for Religious Freedom, do not reflect the beliefs of most Bohra women. [207] In Australia in 2018, three members of the Bohra community were found guilty of performing FGM on two girls, but their convictions were overturned after an appeal court found that the tip of each girl's clitoris was still visible and had not been "mutilated"; the defence claimed that only "symbolic khatna" had been performed. [209] In October 2019, the High Court of Australia reversed that decision, declaring that the term "otherwise mutilates" in Australian law includes cutting or nicking the clitoris. As a result, the defendants' convictions were affirmed, and they were sentenced to at least 11 months in prison. [210]

### Consequences

According to Dr. Meghana Reddy J, a gynaecologist, khatna might cause issues later in life, such as difficult deliveries and urinary infections. In one example, a girl developed sepsis after consuming khatna, and it took a lot of work to resuscitate her. [6] Twenty Bohras were examined by Dr. Sujaat Vali, an obstetrician and gynaecologist, as part of a small study, the first of its kind in India, who reported that only a specialist would be able to separate and cut the clitoral hood without also cutting the clitoris, and that the clitoris had been cut in most cases examined.[7] [1] "Half of them experience some type of irritation," Vali says, "while 30% experience difficulty while walking/urinating or have lost sensitivity in the area." The survey included 83 women and 11 men from five Indian states, and discovered that 75% of the respondents' daughters aged seven and up had been exposed to FGM. [1]

## Prevalence

The term "prevalence" refers to the percentage of women and girls who have experienced FGM at some point in their lives in a given country. The "incidence" of FGM, on the other hand, refers to the percentage of women and girls who have undergone the procedure in a given time period, which could be current or historical. Some African countries, the Middle East,[2] Indonesia and Malaysia,[4][5], as well as some migrants in Europe, the United States, and Australia, practise FGM. [1] [9] It's also found in several South Asian populations. [12] [13] [14] The highest known incidence rates are found in 30 African countries, spanning Senegal in West Africa to Ethiopia on the east coast, as well as Egypt in the north and Tanzania in the south. [1] [15] FGM is reported to be prevalent in 27 African nations, Yemen, and Iraqi Kurdistan, according to a 2013 UNICEF report based on surveys performed by chosen countries, where 125 million women and girls have had FGM. [16][17] FGM is found in nations other than the 29 countries represented by the UNICEF report, and the actual worldwide figure is unknown. [18] Other publications suggest that FGM is prevalent in countries not covered by the UNICEF report from 2013. [19] [20] Jordan, [21] Iraq, and [22] Syria are among the countries where this practise is practised. Syria (23), Oman (24), the United Arab Emirates (25), and Qatar (26). [27] Earlier reports suggested that FGM was common among the Negev Bedouin in Israel, but by 2009, it had nearly vanished. [28] FGM has expanded to Europe, Australia, and the United States as a result of immigration, with some families having their girls undergo the surgery while on vacation abroad[citation needed]. As Western governments become more aware of FGM, legislation has been passed in a number of nations making the practise illegal. Khalid Adem was the first man in the United States to be charged with mutilating his daughter in 2006. [29] By 2030, the United Nations has asked for the practise to be abolished. A 2017 UCLA Fielding School of Public Health study indicated that the prevalence of FGM has decreased dramatically in 17 of the 22 nations studied during the last three decades. During the 30-year period, the researchers discovered a 2–8 percentage point increase in Chad, Mali, and Sierra Leone. [30]

## Data trustworthiness & Reporting

Much of the current data on the prevalence of FGM is based on verbal questionnaires and self-reporting. [31] Clinical examinations are a rare occurrence. When women are asked about their FGM status, it is assumed that they would tell the truth and that they are aware of the type and extent of FGM that has been performed on their genitalia. Many FGM procedures are performed at a young age, many cultures see such discussions as taboo, and a variety of other reasons heighten the risk that survey results are inaccurate or underreported. [31] [32] Some people in Oman, for example, are afraid of discussing FGM because they believe it will expose their culture's dirty laundry to the world, leading to condemnation of a purely religious practise. [25] Fear of punishment for family members or for oneself, as well as social condemnation from elders, may lead women to deny that they underwent or were subjected to FGM in countries where it is illegal.

[33] In northern Ghana, for example, the self-reported circumcision status of women aged 15–49 was verbally surveyed in 1995. The same ladies were questioned again in 2000, following the passage of a law criminalising female genital mutilation and nationwide public campaigns against the practise. According to this study, 13% of women who said they had undergone FGM in 1995 rejected it in a 2000 interview, with the lowest age group girls denying at rates as high as 50%. [34]

UNICEF has updated its data on the prevalence of female genital mutilation in the Middle East's Kurdistan region:

FGM/C is practised in which countries? There have been reports of a minor incidence in (..) select Kurdish populations in Iraq, although there is no convincing evidence. UNICEF, [35],

In the governorates of Erbil and Sulaymaniyah, one in every two young girls (15–24) has been subjected to female genital mutilation or cutting (FGM/C) (Kurdistan Region). UNICEF, [36],

## Background

### Definition

Until the 1980s, FGM was commonly referred to as female circumcision, giving the false impression that procedure was on par with male circumcision in terms of harshness and health consequences. In truth, female genital mutilation (FGM) has only negative health consequences and is nearly invariably more thorough than male circumcision. [18] [1] In 1990, the IAC and the World Health Organization (WHO) both coined the term "female genital mutilation." [19] In 1997, the World Health Organization, the United Nations Children's Fund, and the United Nations Population Fund classified FGM as "any procedures involving partial or whole removal of the external female genitalia or other harm to the female genital organs for non-medical reasons." [1] Type I: "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 II: "partial or total removal of the clitoral glans (the external and visible part of the clitoris, which is a sensitive [20] The less severe Type Ia surgery is seldom performed alone, and the more typical procedure is Type Ib (clitoridectomy), which involves the removal of the clitoral glans (visible tip of the clitoris) and clitorid hood completely or partially.

- Type II (excision): removal of the inner labia completely or partially, with or without removal of the clitoral glans and outer labia;
- Type III (infibulation): the inner and outer labia are removed, and the wound is fused, leaving a matchstick-sized hole for urine and menstrual blood to pass through;
- Miscellaneous practises, such as symbolic nicking, are classified as Type IV.[1][21]

### Origins

FGM is concentrated in a "intriguingly contiguous" zone in Africa, which runs east to west from Somalia to Senegal and north to south from Egypt to Tanzania, according to Gerry Mackie.[23] "It spreads across societies as more resource-endowed males encounter fewer resource-endowed females in settings of inequity," he says, adding that the behaviour is "contiguously diffused and contagious." Its "primary engine of continuity" is marriageability. [24] The practice's spread in Africa intersects in Nubia, Sudan, prompting Mackie to speculate that Type III FGM began there with the Meroite civilisation (c. 800 BCE – c. 350 CE) to boost paternity confidence. [25] [26]

A Greek papyrus dated 163 BCE mentions the proposed circumcision of an Egyptian girl.[27] Although there is some debate over the meaning of the word, Spell 1117 of the Ancient Egyptian Coffin Texts may relate to an uncircumcised girl ('m't). The spell, which was discovered on the sarcophagus of Sit-Hedj-Hotep, dates from Egypt's Middle Kingdom (c. 1991–1786 BCE). [28] [29] Mummies have been examined and found to be free of FGM. [30] After visiting Egypt around 25 BCE, Strabo (c. 64 BCE – c. 23 CE) wrote about FGM, as did Philo of Alexandria (c. 20 BCE – 50 CE): "the Egyptians circumcise the marriageable youth and maid in the fourteenth (year) of their age, when the male begins to get seed, and the female to have a menstrual flow." [32] Slavery was connected to Type III FGM. In 1609, Joo dos Santos described a group near Mogadishu that had a "custome to sew up their Females, especially their slaves being young to make them unable for conception, which makes these slaves sell dearer, both for their chastitie, and for better confidence which their Masters put in them," which made them sell dearer. [33]

## Religious views on Female Genital Mutilation

The belief that female genital mutilation (FGM) is a religious obligation is popular among FGM practitioners. [3] [4] [5] Despite the fact that prevalence rates vary greatly by area and ethnic group. [6] There is ongoing discussion about the extent to which custom, societal pressure, a lack of health-care information, and the status of women in society impact the practice's persistence. [a] The procedures are ineffective and can cause major health concerns. [1] [8] Female genital mutilation (FGM) is prevalent in some Muslim societies,[9], but it is also practised by several Christian and animist tribes. Most types of Islam do not necessitate FGM, and fatwas have been issued prohibiting it, favouring it,[12] or leaving the option to the parents but advising against it. [13] [14] [b] It is mentioned on a Greek papyrus from 163 BCE, and a coffin from Egypt's Middle Kingdom (c. 1991–1786 BCE) may contain an indirect reference to it. [15] Coptic Christians in Egypt, Orthodox Christians in Ethiopia, and Protestants and Catholics in Sudan and Kenya have all been found to have it. [16] The Beta Israel of Ethiopia are the only known Jewish group to have practised it. [c]

### Christianity

FGM is not mentioned in the Bible.[d] Christian authorities agree that the practise has no basis in the religious writings of Christianity, and Christian missionaries in Africa were at the forefront of efforts to put an end to it. Indeed, they were among the first to refer to it as mutilation; starting in 1929, the Kenya Missionary Council referred to it as "sexual mutilation of women," following the lead of Church of Scotland missionary Marion Scott Stevenson. [37] When Christian missionaries in colonial Kenya attempted to make the practise of female genital mutilation (FGM) a condition of church membership in the 1930s, they sparked a far-reaching campaign in defence of the practise. [38] Women and girls in Christian cultures, including Egypt, Kenya, Nigeria, and Tanzania, endure FGM despite the lack of scriptural basis.[14] It has been discovered among Egyptian Coptic Christians, Ethiopian Orthodox Christians, and Sudanese Protestants and Catholics. [16] According to a UNICEF survey from 2013, at least 10% of Christian women and girls aged 15–49 in 17 African nations had experienced it. In Niger, for instance, 55% of Christian women and girls have experienced it, compared to 2% of Muslim women and girls. [19]

### Islam

FGM is usually common in and around Muslim communities. The prevalence percentages in different Muslim countries vary depending on race and geography. [39] The practise is referred to as khaf (Arabic: ) or khifa (Arabic: ) in Arabic. Khitan (Arabic: ) refers to male circumcision, but it can also refer to female genital mutilation (FGM). [40] [41] Sunna refers to less severe types of FGM, or Type I (removal of the clitoral hood and/or the clitoral glans) as defined by the World Health Organization (recommended). [42] Muhammad made female genital cutting optional in a purported narrative, however he warned against injuring women. [43] The above narration is classified as "weak" since it lacks a link in the chain of narrators and appears in only one of the six indisputable hadith collections, according to Islamic authenticity criteria. All hadiths addressing female circumcision are non-authentic, according to Sayyid Sabiq, the author of Fiqh-us-Sunnah. [44] FGM is neither obligatory nor condemned by Islam, according to senior Muslim religious authorities.[9] The Quran makes no reference of female genital mutilation or male circumcision.[45][46] FGM is lauded as honourable but not obligatory in a few hadith (sayings attributed to Muhammad),[47] yet the validity of these hadith has been questioned.[12] The Ijtihad, in addition to Sharia, has been one of the four sources of Muslim law throughout history. Fatwas (opinions of Muslim religious scholars), which are often extensively disseminated and describe behaviour that complies with religious standards, are included in ijtiḥād. Fatwas have been issued prohibiting FGM,[48] advocating for it,[12] and recommending against it. [49] Several Muslim leaders have urged for the practise to be abolished. After CNN published photographs of a girl in Cairo having FGM in 2004, Egypt's then-Grand Mufti, Muhammad Sayyid Tantawi, claimed that hadiths on FGM were untrustworthy. [12] [50] [51] In 2006, leading Muslim clergy at Cairo's Al-Azhar University declared it unneeded. [52] Following the death of a 12-year-old Egyptian girl during a FGM procedure in 2007, the Al-Azhar Supreme Council of Islamic Research in Cairo ruled that FGM had "no basis in core Islamic law or any

of its partial provisions, and that it is harmful and should not be practised," according to UNICEF. [53] "It's prohibited, prohibited, prohibited," said Ali Gomaa, Egypt's Grand Mufti at the time. [54] FGM is "a ritual that has survived over centuries and must be stopped because Islam does not support it," according to Ekmeleddin Hsanolu, Secretary-General of the Organization of Islamic Cooperation, who stated in 2012 that it is "a ritual that has survived over centuries and must be stopped because Islam does not support it." [55] The excision of the clitoral prepuce, a less severe type of FGM, was declared as sunna by the Islamic Central Council of Switzerland in 2018. (recommended). FGM was illegal in Switzerland in 2012, including arranging for it to be performed on Swiss girls living abroad. [56]

### Sunni perspective

Different schools of Islamic law have voiced opposing views on female genital mutilation.

[57] It is considered makruma for women by the Hanafi and Hanbali schools of Islamic jurisprudence ("noble", as opposed to obligatory).[3] The Maliki and Shafi'i schools do not distinguish it from the ruling on male circumcision; the former considers it optional (mandb), whereas the latter considers it mandatory (wjib).[2][3][4] Others argue that it is completely unjustified.[58] FGM is not an Islamic practise, according to Egyptian scholars Mohammed Emara and Mohammad Salim Al-Awa, and is not supported by Islamic doctrine. [59] In May 2012, it was reported that Egypt's Muslim Brotherhood was seeking to decriminalise female genital mutilation. They are, according to reporter Mariz Tadros "as part of their community services, offered to circumcise ladies for a small cost, threatening to undo decades of local opposition to the destructive practise... Many Brothers (and Salafis) believe that it is still mukarama even though it is not required (preferable, pleasing in the eyes of God). [60] According to one hadith from the Sunan Abu Dawood collection: "In Medina, a woman used to conduct circumcision. The Prophet advised her not to cut her hair too short because it is nicer for a lady and more attractive to a spouse." This hadith is described as "poor, with a broken chain of transmission" by Ibn Hajar al-Asqalani, who quotes Ahmad Bayhaqi as saying it is "poor, with a broken chain of transmission." "Those who consider (female) circumcision a sunna utilise this hadith of Abu al-Malih as evidence, which is based only on the testimony of Hajjaj ibn Artaa, who cannot be acknowledged as an authority when he is the sole transmission," Yusuf ibn Abd-al-Barr said. [61] "The Messenger of Allah said: When somebody sits amidst four parts (of the woman) and the circumcised parts touch each other, a wash becomes compulsory," says another hadith in Sahih Muslim. While the hadith is authentic, according to Mohammad Salim al-Awa, it does not justify FGM. According to him, the Arabic word for "the two circumcision organs" is a single word that refers to two different types of circumcision. While the feminine form is used to refer to both male and female genitalia, it should be understood to exclusively refer to the circumcised organ of the male. [62] "Five practises are features of the Fitra," says a hadith in Sahih Bukhari, "circumcision, shaving the pubic hair, cutting the moustaches short, trimming the nails, and depilating the hair of the armpits." [63] According to Mohamed Salim Al-Awwa, it is uncertain whether these requirements were intended for females. [64]

### Shia point of view

#### Twelvers

Circumcision is exclusively obligatory for men, according to Shiite religious writings like Al-hadith. Sadiq's [74] On his website, Grand Ayatollah Ali al-Sistani, Iraq's highest-ranking Shia (Marja') and the leader of the Hawza (Islamic University) of Najaf, prohibits FGM: [A citation is required for this quote.] Is female circumcision a legal requirement, or is it only customary and recommended? Answer: Female genital circumcision for the aim of cutting clitoris is unethical and not a religious rite. It is forbidden if the girl is injured. Female genital (sexual) mutilation or cutting off a portion of her genital is unquestionably a crime against girls, and there is no reason or authorization for parents to carry out this procedure.

Among observant Shia Muslims, female genital mutilation (FGM) is almost unheard of. It is only carried out among Sunni minorities in Iraq and Iran.

## Ismailis

In India, Pakistan, Yemen, and East Africa, FGM is practised among the Dawoodi Bohra group.

[75] According to a survey conducted in 2015–2016, over 80% of the 365 Dawoodi Bohra women polled wanted the practise to discontinue. [76] Two doctors and a third lady linked to the Dawoodi Bohra were arrested in 2017 in Detroit, Michigan, on charges of performing FGM on two seven-year-old children. [77]

Female genital mutilation is performed by Muslims of the Dawoodi Bohra and Sheedi sects in Pakistan, who think it will bring them purity.[78][79][80]

## Judaism

Male circumcision is required in most types of Judaism, however it is not permitted in FGM, and it is not mentioned in the Hebrew Bible (Old Testament). The Beta Israel of Ethiopia are the only known Jewish group to have practised FGM. [17] [81] The Beta Israel had no knowledge of the Talmud, Mishnah, or other holy texts, and they couldn't read or speak Hebrew. Between 1984 and 1991, the majority of them were transported to Israel and converted to Orthodox Judaism. [14] The women gave up FGM once they arrived in Israel. In a 1997 study, one-third of the 113 Beta Israel women questioned had had it, with 27% having undergone partial or total clitoridectomy. [82]

## Hinduism

Male or female circumcision is not required in Hinduism, and the practise is frowned upon

## Sikhism

Male or female circumcision is not required in Sikhism, and the practise is frowned upon.[83]

## Religions other than Christianity

It is practised by some animist cultures in Africa, mainly in Guinea and Mali.[84] Buddhism is adamantly opposed to it. Confucian traditions are devoid of it. [85] The Bahá' Faith prohibits this practise. [86]

## The Intervention

### Activism/ Opposition

In November 2011, a Bohra woman signed an online petition asking Mohammed Burhanuddin, the Dawoodi Bohras' religious head at the time, to prohibit FGM. "Bohra ladies should understand that our religion encourages the procedure and they should follow it without any dispute," a spokeswoman said. [8]

In February 2016, two Mumbai-based organisations, Sahiyo and We Speak Out, started the "Each One Reach One" campaign, which was replicated throughout Ramadan in 2017. The initiative encouraged people to talk about female genital mutilation. [9] [10] In an online survey of Bohra women, Sahiyo discovered that khatna had been performed on 80% of respondents, with the majority having their hair chopped when they were six or seven years old; 81 percent wanted the practise to end. [11]

On December 10, 2016, Human Rights Day, a group of Dawoodi Bohra women launched an online petition to abolish FGM. A year ago, the group filed a similar appeal, which was delivered to India's Minister of Women and Child Development, Maneka Gandhi. [12] In the same month, Dawoodi Bohra women petitioned the UN to have India recognised as a country where female genital mutilation (FGM) or female genital cutting (FGC) is practised. [13] A written submission on FGM in India was made during a side event during the 36th regular session of the United Nations Human Rights Council (UNHRC), which was conducting a Universal Periodic Review of India. That was the first time the problem of female genital mutilation (FGM) in India was brought up before the United Nations. [5] [14] [15]

## Support

Six Bohra women founded the Dawoodi Bohra Women for Religious Freedom (DBWRF) in May 2017 to protect their "beliefs, customs, culture, and religious liberties." It claims to speak for almost 75,000 women who are Mufaddal Saifuddin's followers. According to the DBWRF, the Dawoodi Bohra's form of FGM is a harmless process, not mutilation. [16] [17]

The stated mission of the Dawoodi Bohra Women's Rights Foundation is to "stand for the rights of Dawoodi Bohra women in India" in order to ensure that they have the same freedom as other citizens,[18][19] particularly by defending women who are victimised because of their religious beliefs, practises, customs, and culture. DBWRF has taken the initiative in ensuring that the practise of FGM is preserved in the face of scrutiny. [24] [25][26] [27] "The practise of khafz is an essential part of the religion as practised by the Dawoodi Bohra Community, and their right to practise and propagate religion is protected under Articles 25 and 26 of the Constitution of India," said senior advocate Abhishek Manu Singhvi, who represented the DBWRF in Supreme Court proceedings in July 2018. [2]

## What Supreme Court Says

A public interest litigation (PIL) complaint was filed at India's Supreme Court in May 2017. Sunita Tiwari, a Delhi-based lawyer, brought the case, which sought to prohibit FGM in India. The petition was sent to the Supreme Court, which requested responses from four states and four federal departments. [28] An advocate for the petition claimed that the practise infringed on children's rights under Article 14 (Right to Equality) and Article 21 (Right to Life) of the Indian Constitution,[29], while an advocate for the petition's opponents claimed that khafz is an important part of the community's religion, and that their right to practise it is protected under Articles 25 and 26.[2] "There is no official data or study that indicates the existence of FGM in India," the Ministry of Women and Child Development stated in December 2017.

[30] Maneka Gandhi, the Minister of Women and Child Development, had previously stated that if FGM is not halted voluntarily, the government will ban it. [31]

India's Attorney General, K. K. Venugopal, urged a Supreme Court bench to provide directions in the case in April 2018, claiming that FGM was already a crime under existing law. After notifying Maharashtra, Gujarat, Rajasthan, and Delhi, the bench adjourned the case and issued notices to Kerala and Telangana. [29] On Venugopal's and the Dawoodi Bohras' request, the Supreme Court sent the PIL to a five-judge constitution bench in September 2018. [32][33] The Supreme Court ordered in November 2019 that the subject of female genital mutilation (FGM) should be submitted to a bigger seven-judge panel and reviewed with other women's rights issues. The court stated that the jurisdiction of the court to determine whether a practise is vital to a religion is a "seminal question." [34]

FGM is illegal under the Protection of Children from Sexual Offences Act of 2012, the Indian Penal Code of 1860, and the Criminal Procedure Code of 1973. [163] According to estimates, 90 percent of females in India's Ismaili Shia Muslim Bohra minority suffer FGM. [13] [164] In India, there are approximately 2 million Bohras. In a poll, more than 70% of Bohra respondents reported the treatment was performed on them by an untrained practitioner. The practise of female genital cutting was discovered in Kerala by Sahiyo reporters in August 2017. The women said that, in addition to the mental trauma, it also resulted in bodily issues. When Public Interest Litigation by some Bohra women to abolish the procedure was filed on May 9, 2017, the Supreme Court of India sought a response from the Centre and four states (Maharashtra, Delhi, Gujarat, and Rajasthan) on the constitutionality of FGM. [165] [166] On July 9, 2018, Attorney General of India K. K. Venugopal reaffirmed the Indian government's opinion that female genital mutilation (FGM) is a breach of a person's fundamental rights that causes major health difficulties for the girl involved. [167]

Supposedly criminalised, but not specifically mentioned, by 1860 Indian Penal Code, 1973 Criminal Procedure Code and 2012 POCSO Act.<sup>[16]</sup>

## Lessons learned from Mali

It is said that it takes a village to raise a kid, but interviews with a Mali community reveal that ending female genital mutilation (FGM) for good will require family, community, and government cooperation. Religious authorities who can assist dispel the misconception that FGM is a religious need, as well as grandparents, mothers, fathers, and mothers-in-law, all have a role to play. In Mali, 76 percent of girls under the age of 14 have had their female genitals cut, compared to 83 percent of those aged 15 to 49, indicating a downward trend. The practice, however, has not yet been officially abolished by the government. Here are seven lessons from a Mali community on how to put an end to this terrible practise once and for all.

### 1. CONFRONT DISCRIMINATORY REASONS FGM IS USUALLY PERFORMED.

A perceived desire to suppress female libido is one of the discriminating grounds for FGM.

The goal of female genital cutting is to ensure that a girl behaves appropriately, preserves her virginity until she marries, and then remains true to her spouse.

When their spouse isn't home, women sit with their neighbours and talk about anything comes to mind, they think the same way I do about cutting. They all agree that it should be halted, they must stand steady and sustain the discourse even if no one listens to them and just goes on. Only patience can change such a deeply ingrained habit.

### 2. CHANGE TRADITIONS WITH OLDER GENERATIONS' SUPPORT

Grandmothers used to recite fairy stories and fables with hidden life lessons in them. Children nowadays, on the other hand, just do not want to know. Similarly, grandparents were the ones who taught their grandchildren about sexuality. They have also lost that function, but they believe it should be restored. Grandmothers have the time to keep an eye on things. If a granddaughter goes out and comes home late, her grandmother may tell if she's in love by the twinkle in her eye. Children are more likely to inform their grandmother about anything than their mother.

### 3. INFORM WOMEN ABOUT THEIR RIGHT TO CHOOSE WHAT HAPPENS TO THEIR BODY.

Sanaba, 24 years old girl was the last of her family's girls to be chopped. She speaks with neighbours who will assist her in making decisions about their daughters' futures. Even though they are aware of the implications, some of them prefer to hold on to this tradition. They don't think it's normal for a woman not to love sex. An increasing number of children are attending school and learning to think for themselves. No youngster who is well-informed and capable of standing up for themselves wants genital cutting to continue. They believe that women of their age should help adolescent girls.

### 4. INFORM PEOPLE ABOUT THE DANGERS AND REALITIES OF FGM

M'Pène a four-year-old infant now, but their mother & grandmother decided before she was born that they didn't want her to be cut. FGM has long-term medical and mental implications that need to be discussed so that girls and women don't have to suffer in silence. That's because they saw images and a video of a young woman cutting herself. The grandmother's viewpoint is really important. If grandparents saw these photographs, they want to quit chopping as well. They figured out a way to solve the cutting problem. The first step is to dare to talk about it."

### 5. COMMON UNDERSTANDING THAT FGM IS NOT REQUIRED BY RELIGION

Many people believe that Islam promotes cutting to keep a female pure and good. Nega, a 48-year-old Imam educates his community about how he lost his own daughter to female genital cutting and how it's a practise that needs to be ended because of all the medical issues it produces. If he didn't know that tale, he'd still preach that the cutting custom should be preserved in the name of our religion. It always appears that many can't tell the difference between religion and traditional activities. People often mistakes them for one and the same.

6. ATTACK THE SECRET THAT ALLOWS CUTTING TO CONTINUE Genital cutting used to be a rite of passage for girls, a way of preparing them for their future. The entire community would be involved. However, it has become more controversial in recent years, and it is normally done quietly at home. And the girls who have their hair chopped are increasing younger by the day. This is since the younger a girl is, the less likely she is to discuss it with her peers.

Grandmothers of the same community believes the tradition is on the decline. There are no more cutting rituals in the village. People do have their daughters' hair trimmed on occasion, but they take them to other communities. Alternatively, they'll send the cutter in secret because they know people will chatter.

## 7. CONTINUE TO WORK FOR THE PROHIBITION OF FGM.

Grassroots support for ending FGM will lead to an official ban. Cutting is a violation of a child's rights to physical integrity, good health, and the freedom to make their own decisions. It even infringes on a child's right to education. The girl will grow ill and be unable to attend school if the wound develops infected because the cutter used an unsterilized knife. The passage of legislation that will make female genital cutting illegal is my greatest task in the fight against it. Only then, will we be able to put an end to female genital mutilation. However, a lot more lobbying and campaigning will be required at all levels: in government, parliament, and towns and communities.

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