



## Women's Choice & Governance

This editorial is based on [“West Steps Back, India Shows Way”](#) which was published in The Indian Express on 27/06/2022. It talks about USA's decision of Abolition of Right to Abortion and India's efforts to protect women's liberty and uplift their position in society.

**For Prelims:** Abortion, Surrogacy, Child Marriage, Related Schemes, Constitutional Provisions.

**For Mains:** Abortion and its effects on physical and mental well being, Rules and Regulation regarding abortion in India and other countries, Role of women in society.

On 24<sup>th</sup> June 2022, the U.S. Supreme Court overturned [Roe v. Wade](#), a 1973 landmark decision and abolished the [Women's Right to Have Abortion](#).

President Joe Biden called the decision a “tragic error” and a “sad day” for the court and the country.

At a time of distressing furore on social media and the streets against the near-total bans on abortion in the West, India's generous stance on the termination of pregnancy is a comforting sanctum.

Let us understand the nucleus of India's efforts for Women's Liberty and Empowerment in different spheres. But before that, we must understand the historic decision that took place in the West.

### What Decision has the U.S. Supreme Court Taken?

- SC has overturned *Roe v. Wade*, a 1973 landmark decision giving women in America the right to have an abortion before the foetus is viable outside the womb — before the 24-28 week mark.
- SC also overturned *Planned Parenthood v. Casey*, a 1992 case that upheld *Roe*.
- Abortion rights — which have been available to women for over two generations — will now be determined by individual States.
- *“The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision.”*: The Court said.

### How Could This Decision Impact Women's Life?

- **Increase in “Unwanted Pregnancies”:**
  - [Unwanted pregnancies](#) unexpectedly curtail the life choices of parents, especially mothers, and may limit their mental well-being and personal growth.
  - Further, children born unwanted may suffer reduced opportunities. Illustratively, the WHO links the likelihood of children being born “wanted” to greater parental investments in their education.
- **Fate up to the States:**
  - The legality of abortion is now up to each state. Majority of states in US are expected to

ban or restrict access to abortion.

▪ **Psychological Impact:**

- Pregnant women who were denied an abortion were more likely to stay in contact with a violent partner and ultimately raise the child alone.
- Being denied an abortion has also been associated with higher levels of anxiety and depression.

▪ **Economical Impact:**

- Women who were denied an abortion are more likely to be unemployed than those who received an abortion.

▪ **Riskier Alternatives:**

- [The World Health Organization \(WHO\)](#) acknowledges that legal restrictions on abortion do not result in fewer abortions. Rather, they force pregnant people to pursue riskier abortion services.

## What are Other Issues A Woman Faces in This World?

▪ **Patriarchal Stigma:**

- [Patriarchy](#) is an institutionalized social system in which men dominate over others, but can also refer to dominance over women specifically.
  - It portrays women as physically, mentally, emotionally and sexually inferior to men.
  - Women are not considered intelligent or smart enough to make decisions. This undervaluation results in low confidence and low productivity, while depriving them of the opportunity to showcase their talent..

▪ **Son Meta-Preference:**

- It involves parents continuing to produce children until the desired number of sons are born, which is detrimental to women's health.
- This meta-preference leads naturally to the notional category of 'unwanted' girls globally.
  - As such girls and women are neglected in their food and health needs. Majority of them suffer from anemia and malnutrition.
  - Since daughters are seen as a burden, poor parents are keen to marry them off as soon as possible. [Childmarriages](#) lead to early pregnancy.
    - Having a child at an early age hinders the mother in pursuing higher studies and career ambitions for herself.

▪ **Absence of Pay Parity:**

- Gender pay gap refers to pay inequality between men and women in paid employment.
- Worldwide, women only make 77 cents for every dollar earned by men. As a result, there's a lifetime of income inequality between men and women and more women are retiring into poverty.
- The so-called "**motherhood penalty**" pushes women into informal economy, casual and part-time work, and tends to be larger in developing countries than in developed countries.

▪ **Political & Judicial Representation:**

- [Political Representation:](#)
  - As per the data compiled by the [Inter-Parliamentary Union](#), of which India is a member, women represent 14.44% of the total members of the [Lok Sabha](#).
  - In the last 75 years of independence, women's representation in Lok Sabha has not even increased by 10%.
- [Judicial Representation:](#)
  - In [High Courts](#), the percentage of women judges is a mere 11.5%, while in the [Supreme Court](#) there are 4/33 sitting women judges in office.
  - The situation of women lawyers in the country is not any better. Out of 1.7 million advocates registered, only 15% are women.

▪ **Glass Ceiling:**

- [Glass ceiling](#) refers to the fact that a qualified person wishing to advance within the hierarchy of his/her organization is stopped at a lower level due to a discrimination most often based on sexism or racism.
- Female employees are seldom considered for promotions above a certain grade as they are portrayed as inferior/ineligible for the position as per the social stigmas of the society.

## What Developments has India Made on Women Welfare?

- **The Medical Termination of Pregnancy (Amendment) Act 2021:**
  - The 2021 Act was passed to amend the [Medical Termination of Pregnancy \(MTP\) Act, 1971](#).
  - **Increase Gestational Limit:**
    - Abortions may be performed up to 24 gestational weeks on grounds of risk to the mother's life, mental anguish, rape, incest, contraception failure or the diagnosis of foetal abnormalities.
- **[The Prohibition of Child Marriage \(Amendment\) Bill 2021:](#)**
  - It seeks to push the marriage age for women from 18 years to 21 years.
  - Reasons behind the Minimum Age:
    - Child marriages expose women to early pregnancy, malnutrition, and violence (mental, emotional, and physical).
    - Early pregnancy is associated with increased child mortality rates and affects the health of the mother.
- **[The Surrogacy \(Regulation\) Act 2021:](#)**
  - The Act prohibits couples who are not of Indian origin from availing surrogacy in the country and allows only locals with certified, medical reasons necessitating gestational surrogacy to avail of it.
    - Under the Surrogacy (Regulation) Act, 2021, a woman who is a widow or a divorcee between the age of 35 to 45 years or a couple, defined as a legally married woman and man, can avail of surrogacy if they have a medical condition necessitating this option.
  - It also bans commercial surrogacy, which is punishable with a jail term of 10 years and a fine of up to Rs 10 lakhs.
- **Other Efforts:**
  - [Ayushman Bharat- Jan Arogya Yojana \(PM-JAY\)](#)
  - [Pradhan Mantri Matru Vandana Yojana \(PMMVY\)](#)
  - **Pradhan Mantri Surakshit Matritva Abhiyaan (PMSMA):**
    - provides a fixed day for assured, comprehensive and quality antenatal care free of cost to pregnant women on 9 of every month.
  - [Janani Suraksha Yojana:](#)
    - It is a safe motherhood intervention under the [National Health Mission \(NHM\)](#).
    - Eligible pregnant women are entitled to cash assistance irrespective of the age of mother and number of children for giving birth in a government or accredited private health facility.
  - [LaQshya:](#)
    - Aim of the LaQshya program is to reduce preventable maternal and newborn mortality, morbidity and stillbirths associated with the care around delivery in the Labour Room and Maternity Operation Theatre (OT) and ensure respectful maternity care.
  - **[Beti Bachao, Beti Padhao Campaign:](#)**
    - Objectives:
      - Prevention of gender-biased sex-selective elimination.
      - Ensuring survival & protection of the girl child.
      - Ensuring education and participation of the girl child.
      - Protecting rights of Girl children.
  - **[Criminalising Triple Talaq:](#)**
    - Any pronouncement of "talaq" by a Muslim husband to his wife in any manner, spoken or written, will be void and illegal.
    - Any Muslim husband who communicates the "talaq" orally or in writing may face punishment up to three years in jail. The punishment may also be extended.
    - If a Muslim man pronounces "talaq" to his wife, then the woman and her children are entitled to receive an allowance for subsistence. Such an amount can be determined by a Judicial Magistrate of the First Class.

## How can we Ensure Women's Holistic Development?

- **Reproductive Rights:**

- **The Puttaswamy judgment** specifically recognised the constitutional right of women to make reproductive choices, as a part of personal liberty under **Article 21** of the Indian Constitution.
  - Such rights should be monitored efficiently and should be implemented globally to improve women's status in society.
- **Deconstructing Stereotypes:**
  - Society needs to deconstruct the stereotype of women as limited to household activities only.
  - It is important for all institutions (state, family and community) to respond to women's specific needs such as bridging gaps in education, renegotiating gender roles, the gender division of labor and addressing biased attitudes.
- **Reservation for Women in Panchayati Raj Institutions:**
  - **Article 243D of the Constitution** ensures participation of women in **Panchayati Raj Institutions** by mandating not less than one-third reservation for women out of total number of seats to be filled by direct election.
    - Effective implementation of such reservation should be carried out.
- **Women Quotas in political parties:**
  - The Election Commission of India recommends making it mandatory for the recognized **political parties** to ensure putting of minimum agreed percentage for women in State Assembly and Parliamentary elections, so as to allow them to retain the recognition with the Election Commission as political parties.
- **Reservation in Judiciary:**
  - As **CJI N. V. Ramana** highlighted "the presence of women as judges and lawyers, will substantially improve the justice delivery system".
    - To achieve this target, reservation for women in Law Colleges should be implemented which will result in more women advocates, who can ultimately become judges in The Supreme Court.

### ***Drishti Mains Question***

While the West is curtailing abortion rights, India is giving a new meaning to women empowerment by recognizing and protecting women's rights. Discuss.