



Female circumcision issue goes to Constitution Bench

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Highlights

- The Supreme Court on Monday referred to a five-judge Constitution Bench petitions seeking a declaration that the practice of female circumcision or 'khafz,' prevalent in the Dawoodi Bohra sect, amounts to "female genital mutilation (FGM)" and is a violation of women's right to life and dignity.
- A Bench of Chief Justice of India Dipak Misra and Justices A.M. Khanwilkar and D.Y. Chandrachud observed that the issue deserved to be examined by a Constitution Bench.
- Earlier, at hearings, Justice Chandrachud had observed that circumcision leaves permanent, emotional and mental scars in a young girl.
- The Chief Justice had orally observed that the Constitution does not allow a person to cause injury to another.
- The Bench had said the practice should be tested in the light of constitutional morality.

'Essential to religion'

- However, senior advocate A.M. Singhvi, appearing for 70,000 Bohra Muslim women under the banner of the Dawoodi Bohra Women's Association for Religious Freedom (DBWRF) in favour of 'khafz,' said the practice was essential to religion and had been continuing since the 10th century.
- In a statement, DBWRF secretary Samina Kanchwala said, "The Supreme Court has upheld the voice of a large section of Dawoodi Bohra women in India...we have maintained that female circumcision is not FGM and we will continue to clear the misconceptions that the two practices are the same."
- The plea states that the practice caused "permanent disfigurement to the body of a girl child."
- More recently, Nafisa Vahanvati, the widow of former attorney general of India Goolam Vahanvati had approached the Supreme Court in support of female circumcision and the right of the Dawoodi Bohra women to practice their religion.