

**IN THE SUPREME COURT OF INDIA**

ORIGINAL CIVIL WRIT JURISDICTION

UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

WRIT PETITION (CIVIL) NO. \_286 OF 2017 (PUBLIC INTEREST LITIGATION)

**IN THE MATTER OF:**

Ms. SunitaTiwari

Chamber No. 288,

Block – II, Delhi High Court,

New Delhi – 110003

.....Petitioner-in-person

Versus

1. Union of India, Through

The Secretary Ministry of

Law and Justice

4<sup>th</sup> Floor, A – Wing, Shastri Bhawan,

New Delhi – 110001

2. Ministry of Health and Family welfare  
Through its Secretary,  
Nirman Bhawan,  
Maulana Azad Rd, New Delhi – 110011
  
3. Ministry of Social Justice & Empowerment,  
Through its Secretary,  
Shastri Bhawan, C – Wing,  
Dr. Rajendra Prasad Road,  
New Delhi - 110011.
  
4. Ministry of Woman and Child Development,  
Through its Secretary,  
ShastriBhawan, Dr. Rajendra Prasad Road,  
New Delhi – 110011
  
5. State of Maharashtra Through its  
Chief Secretary, Service to be  
Effectuated Through Special  
Commissioner, Maharashtra

Maharashtra Sadan,

Copernicus Marg, New Delhi - 110 001

6. State of Gujarat

Through its Chief Secretary,

Service to be Effected Through

The Resident Commissioner

A/6, State Emp. Bldg.,

Baba Kharag Singh Marg, New Delhi – 110001

7. State of Rajasthan Through its

Chief Secretary, Service to be

Effected Through Principal

Resident Commissioner, Bikaner

House,

Pandara Road, New Delhi – 110003

8. Govt. of National Capital Territory of Delhi

Through its Chief Secretary,

A-Wing,5<sup>th</sup> Floor,

Delhi Secretariat,

NewDelhi-110001

.....Respondents

A WRIT PETITION PRAYING FOR ISSUANCE OF WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION IN THE NATURE THEREOF DIRECETING THE RESPONDENTS TO IMPOSE COMPLETE BAN ON THE INHUMAN PRACTICE OF “KHATNA” OR “FEMALE GENITAL MUTILATION” ALSO KNOWN AS “FEMALE CIRCUMCISION” OR “KHAFD” THROUGHOUT THE TERRITORY OF INDIA AND FOR MAKING IT A COGNIZABLE, NON-COMPOUNDABLE AND NON-BAILABLE OFFENCE WITH HARSHER PUNISHMENT.

PUBLIC INTEREST LITIGATION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

To

The Hon'ble Chief Justice and

His Companion Justices

Of the Supreme Court of India

The humble petition of  
the Petitioner abovenamed

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is an Advocate and has been working on child rights, human rights and other social issues. She has been taking up the concerns of certain underprivileged classes and cases of violation of human rights before the Hon'ble Courts by way of filing Public Interest Litigations which have resulted into passing of landmark judgments by the Hon'ble Courts and framing of guidelines in the field of child welfare in the case of (i) "Save the Childhood Foundation Versus Union of India & Ors. (CrL WP 2069/2005), the issue involved in this matter was child labour", (ii) "Bachpan Bachao Andolan Versus Union of India & Ors. (CrL W.P. 82/2009) the issue involved in this matter was regularization of placement agencies",

(iii) "Court on its Own Motion Versus State & Ors." (CrL WP 249/2009) the issue involved in this matter was of missing children, (iv) "Sunita Tiwari Versus DS Group (WP(C) 107/2008) issue involved in this matter was contemptuous matter printed and published and circulated by an industrial house against judicial officers", (v) "Bachpan Bachao Andolan Versus Union of India (WP(C) 51/2006) the issue involved in this matter was child labour in circus", (vi) "November '84 Carnage Justice Committee Versus Govt. of NCT Delhi & Ors. (WP(C) 525/2010) the issue involved in this matter was for expediting and completing trial of 1984 Sikh riots cases pending in different courts of Delhi within a time frame.". The petitioner has also been involved in advocacy and legal awareness campaigns on the issues pertaining to human rights. She has also been actively involved in story telling programmes with children suffering from cancer and has worked in slum areas of Delhi NCR. The petitioner is also a trained mediator since 2014 with the Delhi Mediation Centre and has been able to

settle almost 100 cases so far. . She has worked as Pro bono legal advisor to the “Womens Mobile Helpline” of Delhi Commission for Women and All India Women Conference, and has continued to be a pro-bono panel lawyer of the Delhi High Court Legal Services Committee for the last more than 8 years.

2. That the Respondent no. 1 to 4 are the Union of India and the concerned ministries, while Respondent No. 5 to 8 are the state governments that are responsible for the protection of the fundamental rights of the citizens of India and their human rights, and for ensuring that there is no violation of any of these rights, of any class of citizens.
3. This petition is being filed in public interest and in the wake of a number of incidents being reported about the illegal practice of Female Genital Mutilation (in short FGM) commonly known as “Khatna” or “Female Circumcision” or “Khafd”, being performed illegally upon girls (between five

years and before she attains puberty) belonging to a particular section/ community amongst Shia Muslims known as Dawoodi Bohras, resulting into serious violations of basic fundamental rights of the victims who in these cases are minors, and, Article 39 of the Constitution of India being directive principles of state policy and the chapters and clauses of UN Convention on the Rights of the Child, UN Universal Declaration of Human Rights of which is India is a signatory, and against the abuse of girls as well as women of this community, and also against the serious violation of the female body thereby causing permanent deformity/ disfiguration to the body of a girl child and subsequently when she becomes an adult woman.

4. That the Universal Declaration of Human Rights is a declaration adopted by the UN General Assembly on 10<sup>th</sup> December, 1948 and sets out the fundamental human rights of every human being. India is one of the signatories

out of the 48 countries who ratified this convention in 1948. A copy of the said declaration is annexed as **ANNEXURE P-1** (reference is to Article 12)

Similarly, the UN Convention on the Rights of the Child was opened for being ratified and signed on 20<sup>th</sup> November, 1989 and came into force on 2<sup>nd</sup> September, 1990. So far 196 countries have ratified it. The Convention deals with the child specific needs and rights. It requires that “ nations that ratify this convention are bound to it by international law and the ratifying states must act in the best interest of the child. India ratified the UNCRC on 11<sup>th</sup> December, 1992, agreeing in principle all articles. A copy of the declaration is annexed hereto as **ANNEXURE P-2** and a List of Children’s Rights is annexed as **ANNEXURE P-3**.

5. That the United Nations General Assembly adopted a resolution No.A/RES/64/146 on 3.3.2010 reaffirming the Rights of the child. A copy of this resolution is **ANNEXURE P-4**. Thereafter, on 20.12.2012, with a view to eliminate

female Genital Mutilation of children (girls), the UN General Assembly passed a resolution being A/RES/67/146, completely banning FGM all over the world to protect the rights of the child .A copy of the same is

**ANNEXURE P-5.**

6. That the practice of 'Khatna' or 'FGM' or 'Female Circumcision' or 'Khafd' also amounts to causing inequality between the sexes and constitutes discrimination against women. Since it is carried out on minors, it amounts to serious violation of the rights of children as even minors have a right of security of person, right to privacy, bodily integrity and the freedom from cruel, inhumane or degrading treatment.

7. Meaning of Female Genital Cutting (FGC) or Female Circumcision or Female Genital Mutilation commonly known as khatna or khafd:

This is commonly known as KHATNA, which is the process of removing part or all of the female genitalia. It is a ritual

performed on every girl child within the Dawoodi Bohra religious community without any medical reason and does not have any reference in the Quran. It violates the rights of the child and human rights. It also violates the Universal Declaration of Human Rights and is a crime in the United States of America under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and now a crime in Australia and some other countries as well. Infact many countries in the African region alone i.e.27 countries ( which is considered to be the origin where FGM started), have banned and declared FGM as illegal, apart from many other countries which include Australia, USA, United Kingdoms, etc. But there is no law in India banning FGM or Khatna to declare it illegal.

8. That 'Female Genital Mutilation' or 'Khatna' or 'Khafd' is an offence U/s 320, 322, 334, 335, 336, 337, 338 and 340 of the Indian Penal Code,1860. Although there is no specific law to ban Female Genital Mutilation or 'Khatna'

however, it is a crime punishable under the general law of Indian Penal Code and inspite of that no police of any state government is taking any action, even while it is being reported and published in the newspapers which clearly demonstrates the apathy.

9. The petitioner being a woman herself feels concerned about the atrocity, bodily pain, inhumanness and mental torture faced by the girls and women of Dawoodi Bohra community for their entire life due to the unhygienic and illegal surgeries performed on their person for non medical reasons during their childhood (when they could not even know or realise what had happened with them), thereby intruding into their privacy and resulting into physical impairment or disability by the time they reach adulthood, as it puts an end to their sexual desires and feelings of womanhood.

10. That as a result of these incidents reported from the women belonging to this community themselves, this writ

petition is being filed in public interest (on behalf of all those voiceless women who have suffered in silence and have not been able to approach the courts themselves due of fear) under Article 32 of the Constitution of India seeking a writ of mandamus and/ or other appropriate writ/ order/ direction against all Respondents ( the Union of India and its concerned ministries as well as the State Governments where the Dawoodi Bohras are large in numbers) for imposing a complete ban on Khatna or Female Genital Mutilation, by declaring it a criminal offence and to direct 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 archaic ritual a lot of physical and psychological damage is being done to each girl and woman of this community in some way or the other.

11. The practice of FGM or Khatna is categorized as violence against women. Women who have undergone Khatna,

though, have been sharing their experiences for some time but that has been with a promise of anonymity which is due to compulsion. They did not want loved ones – those who performed *khatna* or allowed their daughter to undergo it, getting in legal trouble. In USA, the consequences of contributing to FGC (Female Genital Cutting) can result in removal of child from custody, imprisonment and/or deportation.

12. That the worst part of this illegally performed act or so called ritual is practiced upon a girl child which is totally against child rights and violation of their basic fundamental rights which a citizen (including children) is entitled to enjoy, i.e. right to live with dignity and respect, which also includes right to live a normal life without any deformity. This extremely secretive ritual has caused physical and psychological damage to each of the Dawoodi Bohra girl and woman in some way or the other.

13. The WHO identifies four types of FGM:

Type I: removal of the clitoral hood, the skin around the clitoris with partial or complete removal of the clitoris;

Type II: removal of the labia minora with partial or complete removal of the clitoris and the labia majora ; Type

III: removal of all or part of the labia minora and labia majora and the stitching of a seal across the vagina, leaving a small opening for the passage of urine and menstrual blood (infibulation);

Type IV : other miscellaneous acts, including cauterization of the clitoris, cutting of the vagina (gishiri cutting), and introducing corrosive substances into the vagina to tighten it.

#### 14. BRIEF FACTS:

That the brief facts are enumerated herein according to the instances referred alongwith related articles/ reports which are available online and which the petitioner came across and read on the internet. The petitioner states that she has no intention to cause any infringement or use

these informations for either for commercial or personal benefits in any manner whatsoever, and that these informations are being mentioned here in this writ petition only for reading and reference purposes. The contents are being mentioned in the writ petition for fair use and meant only for educational purposes;-

a) In the words of letty cottin pogrebin:

*“When men are oppressed, it’s a tragedy. When women are oppressed, it’s tradition.”*

b) That the Dawoodi Bohras are a sect amongst shia muslims and are also referred as Tayyabi Mustaili Ismaili sect under the islam. They are traders and a business community reputed to be wealthy, progressive and closely knit and mainly reside in the western cities of India and also in Pakistan, East Africa and Yemen. The main language of the community is ‘Lisanud - Dawar’, a dialect of Gujarati with inclusions from Arabic, urdu and other languages and the script they use is Persian Arabic.

c) A documentary film titled as "A Pinch Of Skin" on Female Genital Mutilation which is being practised illegally for the last many years on every girl child of Bohra Community, was made by Priya Goswami in 2012. The film is available on internet and was shown / viewed at various platforms internationally. For the last many decades no child or woman dared to speak on this illegal practice for the fear of being outcasted from the community or facing the wrath from their community or from their spiritual leaders, mainly the Syedna. They have suffered in silence. A compatible disc (CD) containing the film is being filed alongwith this petition for being viewed by this Hon'ble Court and the same is **ANNEXURE P-6**

d) That the Dawoodi Bohras are merchants and traders by profession and most families are well educated and affluent. In India, most of the Bohras live in Maharashtra, Gujarat and Rajasthan and now many traders from the

community have shifted to Delhi and some other cities. In Gujarat, the majority of them reside in Surat and Ahmedabad. Under their religious leader, Bohras thrive under laws like no interest on loans, free education and sponsored weddings for the unprivileged. In such a close knit community, talking against any custom, especially the kind that deals with women, leads to ex-communication.

e) During the making of her documentary “A Pinch of Skin”, Priya Goswami, the filmmaker is stated to have met around 20 such women and found that most of them were just conditioned to believe in it. Some said that it was the ‘rite of passage’ to becoming a Bohra woman. A few said that their daughter-in-laws, belonging to other communities, also had to get it done. Here are some incidents to highlight facts narrated by some

A. Tasleem (name changed) is a Bohra woman from Mumbai. According to her, when a girl turns seven, she is taken to a

'dai' or a family barber who cuts the hood of the clitoris. An antiseptic is then applied. Bohras generally practice Type 1 FGM, which involves snipping just the tip of the clitoral hood or clitoris. She further added that "Now a days, the community's doctors are known to be doing it under anesthesia, which is still tricky because the child has to go hungry and sedated. The worse part is that some educated Bohra women doctors are themselves practicing it. She continues to say that " *I know a lady in Australia who flew down to India to get her daughter's khatna done.*"

B. Aayat (name changed) who is a journalist from Mumbai lists the myth behind the custom; as, most men of this community are merchants and they need to travel a lot. Due to an absurd notion or one may say a misconception, that the wives of these men must not feel sexual urges when the men are away, hence Khatna is performed on girls during their childhood itself, on the obnoxious reasoning that doing khatna 'kills the urge for anyone but

the husband'. As stated by Aayat in the film initially, she hated the fact that this had happened to her and now, she was openly opposed to it and wanted to put an end to it. When Aayat became a teenager she started questioning as to what had happened to her and reasoned with her mother who then understood that it was not a part of faith. Though Bohras are progressive in most matters, however, according to Aayat there has to be a wider awakening.

- C. Another women, a housewife based in Surat interviewed in the documentary says that it is a clandestine ritual which the males of the family do not know of. According to her Khatna is practiced blindly in the community despite the fact that Quran has no mention of it." She says that she never questioned it but adds that she has never found any pleasure in sex after her khatna.
- D. Tasleem launched an online petition in 2011 to get the Bohra high priest to ban this ritual. She sent a large

cardboard blade embossed with a photograph of a crying girl being circumcised to the religious leader's office, but got no response. Her online petition however, got over 2000 signatures, mostly from non-Bohras.

E. While allegedly there are certain health benefits to male circumcision, for women, it leads to pain during menstruation and sex, loss of libido and painful urination. The WHO has listed repeated infections, cysts, infertility, higher childbirth complications and the need for repeated surgeries as consequences of FGM. After this documentary and the petition, some feel that there has been a small change. Some bohras have spoken about abolishing this repressive custom and practice and feel that that no child needs to go through such pain and families must also take a decision.

f) On 17.4.2012 a news article was published and circulated by 'Youth ki Awaz' captioned 'Female Genital Mutilation: An Open Secret in India' wherein a 60 year old woman

from Bohra community spoke about khatna being performed upon while she was 7 years old and she could not forget that horrible incident even after growing so old. A copy of the news report dated 17.4.2012 is marked as

**ANNEXURE P-7**

- g) In December 2012, the UN General Assembly adopted a unanimous resolution on the elimination of FGM . Across the world FGM is being outlawed in many countries. Nigeria and Gambia recently made FGM illegal after women came together, campaigned and raised their voice. FGM is banned in over 27 countries in Africa itself. After the verdict by an Australia Court banning Female Genital Cutting, there were a spate of resolutions passed by Jamaats of several western countries like USA, UK, France, Australia asking Bohras living in these countries to not practice FGM as it is against the laws in these countries and stop the practice of *khatna* or female circumcision. The notice has drawn cheers from Bohra activists campaigning to bring an end to the ancient ritual

of female genital mutilation that is meant to moderate a woman's sexual urges. Voices have been raised against this practice and for its ban in India for a long time now. Despite various news reports and articles published to this effect giving information and despite the outcry and volumes of voices raised against FGM and for banning this practice in India, no steps have been taken by the government nor have the online petitions received any response from the government.

- h) Another article was published on 23.4.2012 captioned "female circumcision anger aired in India" mentioning about the outburst of a young law graduate Bano (21 years old) from the bohra community who was made a victim of khatna when she was circumcised with a razor blade. A copy of the article dated 23.4.2012 is annexed as

**ANNEXURE P-8**

- i) A campaign was started by STOP FGM in August, 2013 in the Middle East and Asia including India and the report to

this effect came in 2014. Excerpts of this report is available on the internet and a copy thereof is annexed as

**ANNEXURE P-9.**

- j) That it is pertinent to mention that the New South Wales government increased the penalty for performing FGM by three times which was increased from 7 years to a maximum of 21 years in jail and became a crime to have the procedure done overseas. A news report published to this effect in The Sydney Morning Herald on 5.2.2014 is annexed as **ANNEXURE P-10**

- k) In April/ May 2014, a Sheikh, a mum and a nurse in Sydney were committed to face trial for the first time for performing circumcision/ female genital mutilation ritual on two young daughters aged 6 and 7. The Sheikh Shabbir Vaziri was charged with being an accessory to the circumcision ritual, allegedly telling locals to lie to police about the prevalence of female genital mutilation in the community. The said circumcisions took place in

Wollongong and Sydney some time between October 2010 and July 2012. Despite attempts from the defence lawyers that it was not FGM Magistrate Roger Brown dismissed the submission, saying: "Any cut or nick to the clitoris will amount to mutilation." The trial started in October, 2014 titled R v A2 (mother), R v Magennis (midwife), R v Vaziri (dawoodi bohra community leader)

- I) The Aljazeera News on 10<sup>th</sup> July, 2015 published and circulated a story (as narrated by an eye witness) of Juliana, a Kenyan girl, who was just 16 years old and forced to undergo the most extremer form of Female Genital Mutilation called excision, whereby the external genitalia, including the clitoris, is removed. Juliana was cut with a razor blade by a woman, and she was to be married the very next day and as per Samburu tradition, only circumcised girls can be wed. A copy of the article dated 10.7.2015 is annexed hereto as **ANNEXURE P-11**. The Kenyan Government passed the Prohibition of FGM Act in 2011 prescribing imprisonment or a fine for anybody

convicted of practicing FGM or deemed responsible for a death as a result of it.

m) Although Female Genital Mutilation has been declared illegal in many countries such as Australia, United States of America, 27 countries of African region (Benin, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Kenya, Mauritania, Niger, Nigeria (since 2015), Senegal, Somalia, Sudan (some states), Tanzania, Togo and Uganda, Zambia, South Africa, Sierra Leone, Gambia and Mali) and United Kingdom, however, it continues to be practised in India illegally.

n) Masooma Ranalvi, a women's rights activist gave an interview to ND TV saying *"I was circumcised when I was a girl of 7". The Excerpts of the interview given by Masooma Ranalvi to NDTV dated 30<sup>th</sup> October, 2015 is*

**ANNEXURE P-12.**

o) That the film ' A Pinch of Skin' depicts the worst part of this illegally performed act or so called ritual practiced upon girls and was made out of utmost concern to demonstrate how people had been speaking in hushed tones about Khatna for decades but no one dared to speak up in open. It tries to highlight the said illegal custom practiced in India since decades by the Dawoodi Bohras, a community that has its origins in Yemen. Infact, Female circumcision, commonly known as FGM or Khatna is a brutal ritual followed by its women. During the last few years, however, some women have raised their voices against this monstrous violation of the female body and asked for immediate ban on this. While Nigeria banned it finally in the 2015 many countries are practicing it even though it has been outlawed. Many Bohra women have reiterated their own experience about Khatna in the film and this is something which no woman from the Bohra Community would ever forget. However, it is quite disappointing that though it was a very educative film and

an eye opener and was screened at various international forums also and won many awards making considerable impact, yet no serious note was taken either by the government or the political leaders specially from that community. A news article dated 4.11.2015 reporting demand by people to ban FGM after watching the film is annexed as **ANNEXURE P-13**

p) In November, 2015 the three persons put to trial in New South Wales, Australia for committing FGM upon two girls were found guilty and hence convicted by the Supreme Court of New South Wales. This case was closely watched by the Dawoodi Bohra community in India. The mother, the midwife and the senior clergy called Shabbir Vaziri were held guilty of carrying out genital cutting on two minor sisters between 2010 and 2012, when the girls were six and seven years old respectively. On June 9, Judge Johnson of the Supreme Court of New South Wales in Australia passed a landmark judgment. Shabbir Vaziri, the senior Bohra priest, was sentenced to 11 months in jail for

promoting, perpetuating and enforcing the practice of female genital mutilation (FGM) in the community. This was the first case in history in which Bohras, including a mother and a nurse, were prosecuted for conducting FGM on two small girls. The four-year-long trial concluded with the sentencing verdict, at which jail time was handed out to the priest, while a much more lenient sentence of home detention was enforced on the mother of the two girls and the 80-year-old nurse who performed the procedure. Clearly, the judge differentiated between the mother and nurse, who were forced to perpetuate the practice and the priest- a representative of the clergy, who actively enforced the continuation of FGM in the community. A summary of the judgment is annexed as **ANNEXURE P-14**.

- q) There have been online petitions circulated against this monstrous practice and for its complete ban, which has been signed by many people including men from other communities, but no legal action has been taken nor any

law framed declaring it illegal and punishable in India as the same is performed for non-medical reasons. An online petition dated 4.12.2015 in this context published by HuffPost India titled “ In a First Dawoodi Bohra Women Loudly Protest Forced genital Mutilation is annexed as

**ANNEXURE P-15.**

The contents of the Petition are narrated hereinbelow:

- a) “At the age of seven, I was subjected to Female Genital Mutilation (FGM) in Mumbai, in a most unhygienic and clandestine manner. The shock and trauma of that day are still with me. Like me, there are thousands of my Dawoodi Bohra sisters who have been subjected to genital cutting as children and even today thousands of Bohra girls are being subjected to this practice, since it has been ordained by the clergy of our community. A few months ago, women like me got together under the forum - ‘Speak out on FGM’ - to begin a

conversation on this extremely secretive ritual which has caused physical and psychological damage to each of us in some way or the other.

- b) We the undersigned women, who have been subjected to Female Genital Mutilation (FGM) also known as 'Khatna' ' belong to the Dawoodi Bohra community which has its major adherents in India. The practice of FGM is done surreptitiously and in a clandestine manner to all the girl children in our community, without any consent whatsoever. The alleged reason for this tradition is to curb the sexual drive of women and control them.
- c) The Dawoodi Bohras are amongst the most educated in India, yet we are also the only Muslim community in India to practice FGM or Khatna. The practice has nothing to do with religion and is more of a cultural practice. Most of us are too scared to speak out publicly. We fear ostracization, social boycott and exclusion of our families from the rest of the

community by our religious clergy if we object to the continuation of this practice.

d) FGM has no health benefits, in fact it harms girls and women in many ways. It involves removing and damaging healthy and normal female genital tissue, and interferes with the natural functions of girls' and women's bodies. FGM is often done without anesthesia, or medical supervision and sometimes the procedure goes horribly wrong. It often leads to pain, shock, tetanus, genital sores, excessive bleeding, etc. It also has long-lasting psychological impact on the victims, ranging from sexual disorders, fear of sexual intimacy, nightmares and post traumatic stress disorder.

e) I along with my Dawoodi Bohra sisters want to raise our voice against FGM in India and put an end to this. You can support us by signing this petition.

Sign our petition and ask the government of India to act against Female Genital Mutilation.

Masooma Ranalvi, Aarefa Johari, Insia Dariwala, Shabnum Poonawala, Nafisa Pardawala, Farida Ali, Tasneema Ranalvi, Hanan Adarkar, Shaheeda Kirtane, Tanvee Vasudevan, Ummul Ranalvi, Zainub Poonawala, Sana Vaidya, Zehra Patwa, Farzana Doctor, Fiza Jha, Zarine Hashim.”

r) Then there was an article dated 5<sup>th</sup> December, 2015 written by Masooma Ranalvi, published by The Quint, stating that Female Genital Mutilation (FGM) is formally defined as the intentional, non-therapeutic physical modification of female genitalia. In lay terms, it means cutting a part of the clitoris. In real-life terms it means young girl children aged 6-8 are beguiled with a lure of candy or some other promise into an unknown place where another woman, in a most crude and unhygienic manner cuts a part of the clitoris with a razor or blade, without anesthesia.

*“This is what happened to me when I was a seven-year-old. The horror and trauma of it has stayed with me till date, 40 years after the incident. This horrific cultural practice is perpetrated till this date in India. And like me, there are thousands of my Dawoodi Bohra sisters who have been subjected to genital mutilation as children. Even today thousands of Bohra girl children are being subjected to this practice. I belong to the Dawoodi Bohra community which is a Shia Ismaili Sect, headquartered in India. With a 1+ million strong community, we have let the practice of FGM thrive within us.”*

She further goes to say that the Dawoodi Bohras are amongst the most educated in India, yet we are also the only Muslim community in India to practice FGM . *“The practice has got nothing to do with religion, and is more of a cultural practice”*. The very basis of FGM is rooted in patriarchy. It stems from the belief that female sexuality is destructive to patriarchal order. Hence they have to be controlled and their bodies be tampered with much

against nature and God. Women, according to this belief, are not allowed to love, they have no right over their bodies; they have no right to enjoy sex, and are considered a source of temptation.

*A copy of the article dated 5.12.2015 published by The Quint is annexed as **ANNEXURE P-16***

s) The WHO classifies FGM or FGC (Female Genital Mutilation or Female Genital Cutting) or Khatna as a violation of the human rights of girls and women. According to WHO, FGM reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women and rights of children. An update by WHO in February, 2016 on Female Genital Mutilation is annexed as **ANNEXURE P-17**. The WHO definition of FGM, however, very clearly and categorically covers the procedure of clitoral unhooding, as well as any act of nicking or pricking as being FGM and violative of human rights. The WHO also categorically states that all forms of FGM have no medical

benefits and only cause severe physical, psychological and sexual harm to the young girls on whom they are perpetrated.

t) Mariya Taher, a writer and social activist based in U.S.A. and working for WOMAN, Inc, a San Francisco based anti-domestic violence agency and also volunteering for the Asian Women's Shelter wrote an article in 2016 dated Nil on her own personal experience on Khatna. Titled FEMALE GENITAL CUTTING, a Continuing Tradition, and spoke out against Khatna or FGM or Female Circumcision, a tradition practiced by her family community. The petitioner came across this article on the internet. Here are some excerpts from her story posted online for reading and reference purposes:

#Equality Is the ability to create your own culture without fearing violence.

"Having experienced khatna at a young age, I know first hand the tremendous toll that a community's traditions

can have on the women and men who live according to them. What follows is my story and the story of six women interviewed for my thesis, who live in the United States and underwent khatna. The women ranged in age from 22 to 59 years, were born or spent the majority of their lives in the United States, and have some amount of higher education. They all experienced khatna between the ages of 5 to 7 years. By interweaving their voices with my own khatna experience, I hope to show the wide spectrum of emotions and experiences involved in such a complicated practice. Most importantly, I hope to break the isolated feeling, the unspoken taboo surrounding FGC. We are not alone. FGC is a shared experience by many women, bound by tradition, living today.”

A copy of the article dated Nil, posted in 2016 captioned ‘Female Genital Cutting: A Continuing Tradition’ is

**ANNEXURE P-18**

u) In her story, Mariya Taher interviewed six women who live in U.S.A and underwent *khatna*.

1. "The summer before I began second-grade, my family visited relatives in India. One morning, my mother and aunt took me to an apartment inside a run-down building located in Bhindi Bazaar, a Dawoodi Bohra populated neighborhood in south Mumbai. Inside the apartment, several elderly ladies dressed in saris greeted us. Initially there was laughter and much chatter. Then I was asked to lie on the bare floor. The frilly dress I wore was pulled up to reveal my midriff and my underwear pulled down, revealing parts I had been taught were to remain private. I couldn't see what it was, but something sharp cut me and I began crying out in pain. *You're given a pain injection, pain medication, to numb the area and the piece of skin that's removed is not even a centimeter, not even a millimeter it's so tiny.* Once the procedure was complete, my mother embraced me and the elderly ladies, trying to be friendly, handed me a soft drink called Thumbs-Up to chase away

tears streaming down my face. We then left the dilapidated building and I hid the memory from my conscious for the next several years.”

2. “As a teenager I learned what happened was Type 1 FGC, where all or part of the clitoral hood is removed, sometimes along with the clitoris. But this image is not brought to people’s minds when FGC is mentioned. Instead, Type III or infibulation, the most severe form, involving removal of all or part of the external genitalia, is the form garnering the most attention. Leaving Type 1 to be understudied. *People try to generalize the practice. They put it in a box, so when you think of FGM you think of tribal communities in Africa. African girls getting sewn up and glass bottles and shards of glass cutting them and you think of the worse, you think of the extreme.*”
3. “After learning *khatna* `violated human rights, I became angry with the Dawoodi Bohras and for a few years, I emotionally struggled with what had been done to me. I also wondered if *khatna* had negatively impaired my sexual

abilities. Gynecologist today cannot distinguish any genitalia differences, perhaps there were no adverse effects. I do not know. But I alone did not have this fear: *I was scared.*”

4. ” Since learning what happened to me, I never once grew angry at my mother. She was doing what she believed was necessary for me to be a good Dawoodi Bohra girl. My mother was only following the traditions she had been raised with: *My mother told me she'd been approached by a woman in the community, an elder like the priest's wife and she told my mother it was time for me to get it done. And my mom didn't question it because she felt it was something that we all had to do. And she herself had done it and her mother before her had been cut.* And tradition is a hard beast to slay, if the practice becomes normalized, common, like getting your period: *It was something we all knew we had to get done at that age...*”

5. “Like any tradition, to those with family and friends who underwent the same procedure, and to see them come out

okay, the fear and uncertainty of the unknown is taken away. But for others, there is an emotionally scarring that cannot be erased. *I felt violated. I felt it was a situation completely out of my control. I went through everything you go through in a trauma- although it happened many years before. I went through that trauma at 19 and it lasted for years. I was depressed. I was acting out.*

6. Some suffered. Some did not. There had to be a reason why this centuries old practice was continued generations after generation. I learned of many reasons: *I don't know if it's a definition of being Muslim or if it's one of the criteria for having to become Muslim, but it is a pretty important factor when people convert to Islam they have to get this done...I mean not just for an external appearance or for society to know it has been done. I mean not for that reason alone, but it somehow affects your mind and body and that change is necessary for you to become Muslim. In that regard I would get it done, but to be honest I would just continue it because of the tradition. I've asked around*

*as to why it has been performed and I've gotten different answers like some of it's just been for religious purposes, but our bhensahab (religious clergy's wife) told us it enhances your sexual experience but I've heard otherwise. I think it's more done because they've been following it for many years and they don't stray from tradition.*

v) *Mariya Taher further goes to state that 'People who are living far away and feel themselves to be progressive, get Khatna performed on their girls only for the sake of "not losing their culture" as they don't want "their kids to lose that culture". However, it is the social ostracism that Bohra people are worried about and which stops them from speaking openly. They are scared that they will not be socially boycotted or outcasted and as such they do not want to be socially excluded.*

w) *Since there is no specific law prohibiting this practise, there are no prosecutions and/or convictions and thus human*

rights of the girl child and a woman belonging to Dawoodi Bohra Community continues to be violated by the violators without fear and the situation remains to be serious and life threatening for the girls and women of this community. The Government of India and the law makers have kept silent on this issue and have no inclination to take any step to stop the practice of “Khatna” or “FGM” due to vote bank politics.

x) A report/ study material pertaining to FGM being practiced in many countries all over the world states FGM to be a controversial cultural ritual. The source of this report is UNICEF and was updated in February, 2016. It is available on Wikipedia The same is marked hereto and annexed as **ANNEXURE P-19**. India has ratified and is a signatory to the UN Convention on the Rights of the Child as well as the UN Universal declaration of Human Rights, and yet, has failed to protect the rights of the girls and women belonging to

the Bohra Community residing in India, through it is bound to act upon the same.

y) FGM is being banned all over the world, as it is recognised as a practice which violates human and child rights, because it is practiced on children without their consent. A UN resolution passed in December 2012 denouncing FGM and calling for its ban has been signed by 194 countries around the world. In Africa, 27 countries have banned the practice. Unfortunately, there is no law in India yet, against FGM, hence the clergy in India is unabashedly promoting FGM.

z) That the judgment by the Australian Court gave a lot of encouragement to the crusaders against FGM and their voices became louder. More people, including a lot of men joined their voices. The news to this effect was published by many agencies such as; a) The Times Of India City dated 5.2.2016 captioned 'Journalist opens up about Khatna' among Bohras, campaigns against it'; b) The Quint dated

6.2.2016 captioned 'female genital mutilation must be stopped & this could be a start'; A copy each of these news clippings are annexed as **ANNEXURE P-20** and **ANNEXURE P-21** respectively.

- aa) Three months after the verdict in the Australian case, community authorities of bohras based in Australia issued a notice to all Bohras in Australia asking them to obey the law of the land and stop the practice of khatna or female circumcision. It is the first instance of anyone being arrested for khatna in the Dawoodi Bohra Muslim community, whose members predominantly hail from Gujarat in India. The Bohras are the only community known to practice female genital cutting in India, and so far, many have continued to cut their girls even when they migrate to other countries where female genital mutilation is illegal. The notice to all Bohras in Australia was emailed in the form a resolution letter, after the Anjuman-e-Burhani (Sydney) – a trust managing Bohra affairs in

Australia – held a meeting to discuss khatna. The letter quoted a hadith (text comprising the teachings of Prophet Mohammed) which states that “love for the land of abode is part of faith”, making it part of Islamic tradition to “remain loyal to the country of abode and to be law abiding and contributory citizens”. It further stated “Khafd (also known as khatna or female circumcision) has recently been interpreted by the Supreme Court of NSW to be within the meaning of Female Genital Mutilation (FGM) as defined in section 45 of the Crimes Act of NSW. It is likely that the practice will be interpreted to fall within the specific laws in relation to FGM in other states or territories of the Commonwealth of Australia. Consequently, khafd is illegal, whether it is carried out within any of the states of Australia or overseas. All parents and guardians are hereby directed in the strictest terms not to carry out khafd under any circumstances. You are further instructed not to take any person out of Australia for the purpose of khafd.” A news report dated

11.2.2016 published online by Aarefa Johari in this context is annexed as **ANNEXURE P-22**.

- bb) The petitioner for the first time came across and read an article published in The Hindustan Times dated 21.2.2016 titled as "India's Dark Secret" and was shocked to know about the illegal ritual of Khatna or FGM being performed upon young girls belonging to the Bohra Community. She then did some research and came across several news reports and articles on the subject issue including interviews from women belonging to Bohra Community (who had to undergo Khatna illegally, without their consent, without even knowing about it in their childhood) in print and social media. They did not have the courage to even speak about this illegal practice performed upon them due to fear of being outcasted from the community. However, during the last few years some educated and progressive women from the community have shown courage to speak about it by way of giving interviews to

print media and TV Channels, but with a request to keep their names/ identities secret. A copy of the newspaper page 'The Hindustan Times' dated 21.2.2016 alongwith a typed copy of the article is annexed as **ANNEXURE P-23 and P-24** respectively .

- cc) A story was published by Aljazeera news magazine on 7<sup>th</sup> March,2016 updating its previous article on the basis of a study completed by Sahiyo, an organization working on FGM i.e. Khatna to determine the prevalence of cutting among Bohra community titled Fighting female genital mutilation among India's Bohra. According to this news, UNICEF estimates that atleast 200 million girls and women in about 30 countries have suffered female genital mutilation so far. A copy of the news article dated 7.3.2016 is annexed as **ANNEXURE P-25**.

On 26.3.2016 various women activists from the Bohra community who have been victims themselves welcomed the judgement of the Australian supreme court, and a

news report published in The Quint on 26.3.2016 to this effect is annexed as **ANNEXURE P-26**

- dd) In March, 2016 the organization Sahiyo, run by Aarefa Taher received a notice from Anjuman-e-Burhani Trust of Sydney threatening to sue all five founder of Sahiyo. This was done to discourage them from raking the issue of Khatna in India.
- ee) That the online petition started by seventeen women victims of Female Genital Mutilation from Bohra community on 4<sup>th</sup> December,2015, updated on 19.2.2016 asking the Government Of India to ban FGM, was able to garner almost 50,000 signatures till April, 2016.
- ff) An online petition was also addressed to the Minister of Women and Child Development and Minister of law and justice on 29.4.2016 urging the Government to pass a law banning this practice in India in a manner that anyone found involved in aiding, abetting and perpetrating this

practice should be punished. It was also urged that the pressure of this law and fear of punishment will be the best way to put a stop to this cruel practice. This online petition got no desired results. A copy of the online petition dated 29.4.2016 addressed to the minister for women and child development and to the minister of law is annexed as **ANNEXURE P-27.**

gg) Just over a month before the verdict, the community's religious head, the Syedna Muffadal, sensing the verdict and in order to retain his hold over the community, spoke about a subject that had never before been spoken about openly. In a public sermon in Mumbai, he openly supported Khatna and said:

“It must be done. If it is a man, it can be done openly and if it is a woman it must be discreet. But the act must be done. Do you understand what I am saying? Let people say what they want... What do they say? That this is harmful? Let them say it, we are not scared of anyone.”

The sermon was a crystal clear exhortation to the community to practice khatna, even if there is opposition to it. Due to his statement, the Syedna was under fire from FGM activists and other quarters.

- hh) On 29<sup>th</sup> April, 2016 the Top News, South Asia carried a news stating Muslim leader (Syedna Mufaddal Saifuddin) in India was under fire from activists for supporting FGM. A copy of the News report captioned “ Muslim leader under fire from activists for supporting FGM” dated 29.4.2016 is annexed as **ANNEXURE P-28**. On 30<sup>th</sup> April, 2016, a group of Bohra women issued a statement asking the Syedna to publicly clarify his stance. A copy of the news portal India Times/The Times of India/ Economic Times dated 30.4.2016 is annexed as **ANNEXURE P-29**.
- ii) On 4.5.2016 itself The Quint carried an article “Can Brutality be God’s Will? Bohra Cleric Syedna favours FGM” which was in context to the statement made by the syedna

supporting FGM. A copy of the same is marked **ANNEXURE**

**P-30.**

jj) In May, 2016, the petitioner happened to watch the documentary film titled "A Pinch of Skin" by Priya Goswami on FGM or Khatna, in which many Bohra Women who have been victim themselves, have narrated their own experience on Khatna and said that the horrific ritual is illegally performed / practiced upon the girl child aged between 5 and before she attains puberty, which is totally against child rights, violation of basic fundamental rights and human rights.

kk) That the movement/ forum called Speak Out on FGM which has been started by a collective of 17 women from the community wherein they have been speaking out about their experience and spearheading a campaign to end this practice in the community, stepped out into the public domain to share their stories of pain, hurt, humiliation and trauma caused by the deceptive act of

khatna. The enforced silence and taboos around talking about sex, sexuality and sexual parts was just so tremendous that women never spoke about the horrendous incident of their childhood. These women started an online petition asking the Government Of India to ban FGM, were able to garner nearly 50,000 signatures till April, 2016. They also addressed two open letters to the Syedna, their religious leader, appealing to him to end this practice as it has caused enormous physical, psychological and emotional damage to the Bohra women. But they did not get any response to these letters. It is also worth mentioning that while the Syedna Mufadal has refused to issue a clear cut statement on the practice, his rival Syedna, Taher Fakhruddin, who also laid claim to be the high priest, issued a letter denouncing the khatna of small girls, saying that it should be abolished. The news report published by the Times of India City dated 7<sup>th</sup> May,2016 in this regard is annexed as **ANNEXURE P-31**.

ll) This was infact a short in the arm for the campaigners and crusaders who were against Khatna and they welcomed the stand taken by the rival Syedna Taher Fakhruddin and infact 21 Bohra men pledged online to fight Khatna. A news report dated 9.5.2016 in this regard is marked as

**ANNEXURE P-32.**

mm) That those people who wanted FGM to be banned and spoke openly about it were threatened and attempts were made to silence them and desist them from supporting. A news item dated 14.5.2016 in this regard reported by The Times Of India City is annexed as **ANNEXURE P-33**. Despite this, 21 Bohra men pledged online to fight Khatna and support the cause. The news article published by Times of India City dated 23.5.2016 to this effect is annexed as

**ANNEXURE P-34**

nn) On June 6, 2016 the public relations department of the Syedna which is in India, issued a press release which very clearly spelt out that FGM would continue in countries

which do not have anti-FGM laws, which came as a huge disappointment to the campaigners asking for ban on the practice of Khatna. It is also indicative of the fact that the religious leaders for their own benefit do not want to put an end to this monstrous and cruel practice against children and women. The differences in the two procedures have been used as an excuse by the Bohra clergy to differentiate the Bohra practice from that in parts of Africa. Large sections of the clergy are busy cleverly countering the anti-FGM campaign by arguing that what Bohras do is not "FGM" but "*khatna*," which is clitoral unhooding. They justify the practice by saying that Bohras just prick, nick or cut the prepuce, the small tip of the clitoris.

- oo) That the muslim leader found guilty of supporting FGM by the Australian Supreme Court was jailed in order to send a strong message to religious heads that the practice would not be tolerated. The news about sentencing of the

accused persons by the New South Wales Supreme Court, Australia was also reported in The Daily Telegraph on 9.6.2016 and The Times of India City dated 10.6.2016, and a copy each of these reports is annexed as **ANNEXURE P-35 and P-36** respectively.

pp) That on 18.6.2016 Masooma Ranalvi wrote an article “The Resistance Against Female Genital Mutilation in India is Growing” and in the end stated that the next logical step for the movement is to knock on the doors of lawmakers and parliamentarians to take cognizance of this gross violation of child and women’s rights and abolish this centuries-old feudal practice. A copy of her article published in The WIRE on 18.6.2016 is annexed as **ANNEXURE P-37.**

qq) On 21<sup>st</sup> July,2016 The Muslim Observer also published an exclusive article ‘ Uproar over Female Genital Mutilation: Bohra Muslim Activist launches campaign on facebook to ban practice.’ The said activist has preferred to be named

Tasleem and has launched a campaign on Facebook in order to highlight the issue before the Syedna and asking him to ban Khatna. The news article dated 21.7.2016 is annexed as **ANNEXURE P-38**.

15, That the government of India and respective states possess full knowledge about this inhuman practice which is against all social and moral ethos and also against the fundamental rights guaranteed by the Constitution of India as explained above, yet the respective governments who are bound by their commitments at the international forums i.e. UN Convention on the Rights of the Child, UN Universal Declaration of Human Rights have failed to perform their duties to safeguard the interest of the children, women and weak and therefore, it has become necessary that this Hon'ble Court issues a writ in the nature of mandamus or any other writ, order or direction to safeguard the fundamental rights and human rights of the weak and vulnerable female children and women who

are being subjected to the above mentioned cruel practice of FGM or Khatna or Khafd or Female Circumcision and that the lawmakers are required to take cognizance of this gross violation of child and women's rights and abolish this centuries-old feudal practice and it is, therefore, under these circumstances that the petitioner has been forced to invoke the extra – ordinary writ jurisdiction of this court in public interest on the following amongst above grounds:-

### **G R O U N D S**

- A. Because India is a signatory to the UN Convention on the Rights of the Child, the UN Universal Declaration of Human Rights and the UN Resolution 2012, and also bound by the WHO guidelines, being a member of WHO, and, inspite of the various victims, activists and newspapers having tried to draw the attention of the government to the inhuman issue of Female Genital Mutilation (FGM), commonly known as Khatna or Khafd,

the successive governments have completely failed to take any action to stop this illegal and monstrous ritual.

- B. Because the above mentioned practice is violative of the basic fundamental rights enshrined under Article 21 of the Constitution of India i.e., right to life which includes right to live with dignity.
  
- C. Because there may not be a specific law to ban FGM, however, there are already existing laws according to which it is an offence punishable U/s 320, 322, 334, 335, 336, 337,338 and 340 of Indian Penal Code,1860. But despite this no action has been taken by the Respondents or the concerned state police department even after the illegal practice of Khatna and/or the gruesome crime committed in the name of ritual, has been widely reported, published and circulated by the print and social media and after the victims having themselves spoken openly, which clearly goes to show government apathy.

- D. Because the Government of India and the respective state governments have failed to give effect to UN Convention on the Rights of the Child, UN Universal Declaration of Human Rights though India having ratified it.
- E. BECAUSE the Union of India has failed to protect its citizens and ensure that their rights, under Article 39 of the Directive Principles of State Policy and other personal/private rights are not violated in any manner;
- F. BECAUSE according to the Convention on the Rights of the Child and the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth;
- G. BECAUSE the Union of India has failed to protect person and property of its citizens and the society from crimes

done in the name of rituals and religion which are otherwise illegal.

- H. Because the Respondents have failed to frame or enforce any law for banning Khatna all over India or for punishing the offenders of practising, abetting, aiding and perpetrating Khatna or Female Genital Mutilation.
- I. BECAUSE it is the Fundamental Right of every child or woman to live with dignity and honour and without any deformity caused upon them by others.
- J. BECAUSE the practice of Khatna is illegal and against the religious norms/customs and amounts to serious violation of child rights as well as the rights of a woman to live with freedom and dignity and also a violation of human rights, and hence, amounts to cruelty of the first order, which is a heinous crime.
- K. BECAUSE the Respondents have failed to take cognizance of the physical and psychological cruelties to which every

girl and woman of the Dawoodi Bohra Community has been subjected to in the name of a ritual which has no approval in Islam or the Holy Quran, and/or ban/ stop the continuation of these serious violations with respect to every girl child and a woman of this Community.

L. BECAUSE despite various press reports, news articles and interviews of the victim of Khatna and documentaries shown in India as well as international forums showing the sufferings of lakhs of Bohra girls and women in India and also after sending On-line petitions to various statutory authorities and ministries and to the lawmakers who are responsible to curb and ban the heinous and cruel /horrifying act of Khatna or FGM , they have failed to take effective measures or steps due to which the wrongdoers and offenders are fearlessly continuing this illegal practice.

M. BECAUSE by not taking steps for immediate ban and declaring Khatna as a heinous criminal offence with severe

punishment, the respondents have violated the fundamental rights of the girls and women of the Bohra Community, as Guaranteed under the constitution of India. By their non-action, the respondents are thus supporting those offenders who are illegally practicing, abetting and perpetuating Khatna i.e. FMG.

N. BECAUSE lakhs of innocents (minor) are forcefully put to undergo Khatna i.e. Genital Cutting under inhuman and unhygienic conditions (against medical norms and practice) in the name of religion, which otherwise is illegal, thereby causing serious violation of their human rights and right to consent or Right to choice.

16. That the present petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.

## **P R A Y E R**

It is therefore, most respectfully prayed that this Hon'ble court may graciously be pleased to issue a writ, order or direction in public interest and in the interest of lacs of helpless, weak women and children, in the nature of mandamus or any other writ, order or direction against the respondents:

- a) Directing the respondents to implement the resolutions passed in December, 2012 by United Nations General Assembly regarding rights of the child banning Female Genital Mutilation or Khatna or Female Circumcision or Khafd, of which India is also a signatory and has also ratified UN Convention on the Rights of the Child, UN Universal Declaration of Human Rights, and issue appropriate guidelines to this effect.
  
- b) Directing the respondents to place a complete ban on the illegal and inhuman practice of Female Genital Mutilation or Khatna, as the same being violative of the fundamental

rights including Articles 14 & 21 and Article 39 (directive principles of state policy) of the Constitution of India.

- c) Directing the respondents to issue appropriate orders to all the Director Generals of state police to take action on cases of Female Genital Mutilation under the existing laws of IPC till such time that the appropriate and stricter laws or guidelines are framed by the Respondents to stop Khatna or Female Genital Mutilation in India;
- d) Declaring Khatna or Female Genital Mutilation, throughout the territory of India, as illegal;
- e) Directing the Respondents to consider framing appropriate policies and guidelines on an urgent and emergent basis for the prohibition and punishment for practicing “Khatna” or FGM, and the same to be made applicable throughout India, as done by the government of various countries;

- f) Directing the respondents to declare “Khatna” or Female Genital Mutilation or FGM or Female Circumcision or Khafd as a serious violation of child rights and human rights and also a violation of the fundamental rights of a girl child and a woman ( right to equality) and declare the same to be a criminal offence which shall be cognizable, non-compoundable and non-bailable, and anyone found involved in performing, aiding, abetting and perpetrating this practice be punished with maximum punishment and penalty , and the Police be allowed to arrest the wrongdoers/ offenders immediately without a warrant.
- g) Pass any other order or further orders which may deem to be fit and proper in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IS DUTY  
BOUND SHALL EVER PRAY.

Drawn & Filed by

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