

DARK CLOUD ON WOMEN RIGHTS

ABORTION REGULATION LAWS: WHAT'S THE INDIAN LEGISLATION

Last month, the US Supreme Court overruled its own **1973 Roe v. Wade** ruling against state restrictions on abortion, casting doubt on right to privacy of women and their control over their bodies. The court issued its decision on the evening of June 24. Going forward, individual states will determine whether to permit or restrict abortions. At least 11 US states currently forbid or severely restrict abortions. According to a report by NPR, legislation that will enable state authorities to quickly outlaw or restrict access to the practice are already in place in about 12 other states.

According to the international advocacy group Centre for Reproductive Rights, 24 nations, where 90 million or 5% of women of reproductive age live, have abortion restrictions. For example, in Africa, Senegal, Mauritania, and Egypt; in Asia, Laos, and the Philippines; in Central America, El Salvador, and Honduras; and in Europe, Poland, and Malta. Women are locked up for having abortions under the strict regulations in several of these nations. For instance, some women who had abortions in El Salvador were adjudged guilty of "aggravated homicide," which included miscarriage cases.

But what is less well known is that Indian women's right to abortion existed before the famous Roe v. Wade decision, when Texas resident Norma McCorvey sued Dallas County District Attorney Henry Wade, requesting the right to abort her unborn child. Although McCorvey had already given birth when the choice to abort became available. She went by the moniker Jane Roe to protect her identity. The Medical Termination of Pregnancy Act, 1971 established women's access to abortions in India two years before the US Supreme Court decision.

The situation in India –

In India, abortion is **LEGAL**. The Medical Termination of Pregnancy Act, sometimes known as the MTP Act, was passed in 1971 primarily as a method of population control. The many restrictions on who can have an abortion as well as other clauses and rules came later.

In India, if a woman becomes pregnant as a result of rape or incest, she is permitted to get an abortion. Major fetal malformations may also be a reason to end a pregnancy medically. There may be further explanations, such as inadequate or failure of contraception. If the mother's physical or mental health would be gravely harmed by the pregnancy, a woman may also choose to have an abortion. An abortion can also be obtained in the event of a miscarriage, i.e., if the baby is dead within. In India, a woman who is not married can also get an abortion.

A case should be filed under the POCSO (Protection of Children from Sexual Offenses) statute in a case where the woman is under the age of 18. To verify the woman's age if she was a minor and had an abortion, the guardian's signature would be required. However, the guardian cannot compel her to carry the pregnancy to term or end it.

The PCPNDT (Pre-Conception and Pre-Natal Diagnostic Techniques) Act was passed in 1994 to stop the abuse of the MTP Act and to stop abortions from being performed based only on a woman's or a couple's whims. The husband might be charged with inducing a miscarriage under sections 312 and 313 of the Indian Penal Code if he forces the wife to get an abortion, even though the agreement of the spouse is not necessary for a woman to have an abortion.

If a woman wants to get a pill to end her pregnancy, whether she is a minor or not, she must have a prescription from a qualified medical professional.

The safe abortion window was significantly increased in 2021 thanks to the revisions made to the MTP Act, which considered evolving societal realities as well as scientific and medical breakthroughs. The 2021 law's expansion of the legal limit for abortion from **20 to 24 weeks** of gestation was not its most significant change. It was in its understanding of the necessity of ensuring that all women, regardless of marital status, had access to abortions. To guarantee that everyone has access to comprehensive treatment, Act 2021 increases access to safe and legal abortion services on medical, eugenic, humanitarian, and social grounds. According to a statement released by the WHO in April 2021, the new law, which became effective on March 25, 2021, would help achieve the Sustainable Development Goals (SDGs) by reducing unnecessary maternal mortality. Women's sexual and reproductive health rights in India under the existing laws of the country look promising when compared to other nations.

