



ABORTION IN INDIA: UNDERSTANDING EXISTING LAWS AND RECENT JUDICIAL DECISIONS

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ABSTRACT

Abortion is a complex and contentious issue in India, where it is legal under certain circumstances. Due to social, cultural, and religious norms, abortion remains a taboo topic and is shrouded in secrecy. However, the right to access safe abortions is a fundamental reproductive right for Indian women. Despite existing laws, many women still do not have access to safe and legal abortion services, leading to an increase in unsafe and illegal abortions. The article discusses the legal landscape of abortion in India, including the various conditions and restrictions that apply to women seeking the procedure. The authors examine recent judicial decisions on abortion rights, including the landmark Supreme Court ruling in 2017 that upheld a woman's right to terminate a pregnancy if it endangers her life or if the foetus has severe abnormalities. The article also explores the social and cultural attitudes towards abortion in India, which continue to be influenced by traditional norms and practices. Through this analysis, the authors aim to provide a comprehensive understanding of the existing laws and recent developments in this important area of reproductive rights. We will also discuss the impact of these laws and decisions on women's reproductive rights and their ability to make choices about their own bodies.

Keywords: Abortion, Disparity, Maternity, Safety

INTRODUCTION TO THE ISSUE OF ABORTION IN INDIA

Abortion in India has been a controversial topic for a long time. India's abortion laws have gone through several changes over the years, reflecting the changing social and political environment in the country. The Medical Termination of Pregnancy Act, 1971 (MTP Act) is the primary law governing abortions in India. This act came into effect in 1972, allowing women to seek abortions under certain conditions. The act was amended in 2002, increasing the upper limit for abortions from 20 to 24 weeks. However, despite these changes, the issue of abortion remains a complex and sensitive one in India.

Several factors contribute to the complexity of the issue in India. For instance, many women in the country still lack access to safe and legal abortions. This is largely due to the fact that there are not enough trained medical professionals who can perform the procedure. Additionally, cultural and religious beliefs in some parts of the country still view abortion as a taboo subject. This can lead to stigma and discrimination against women who seek abortions.¹

In recent years, there have been several judicial decisions in India that have attempted to clarify and streamline the existing laws around abortion. These decisions have been hailed by some as progressive steps towards improving access to safe and legal abortions for women in the country. However, there are still many challenges that need to be addressed in order to ensure that women have the right to make informed choices about their reproductive health.² This blog post will delve deeper into the issue of abortion in India, exploring the existing laws and recent judicial decisions around the topic.³

THE HISTORY OF ABORTION LAWS IN INDIA

The history of abortion laws in India dates back to the 19th century. In the year 1860, the Indian Penal Code (IPC) was introduced which criminalized abortion under Section 312 and 316. Abortion was considered a crime unless it was done to save the life of the mother. In 1971, the Medical Termination of Pregnancy (MTP) Act was enacted which legalized abortion in certain circumstances. The act allowed for the termination of pregnancy up to 20 weeks if it was done to save the life of the mother or if it was a risk to her physical or mental health.

In 2002, the MTP Act was amended to allow for the termination of pregnancy up to 12 weeks for any reason. The amendment also allowed for the termination of pregnancy up to 20 weeks in certain circumstances, such as if there was a risk to the life of the mother or if the fetus had abnormalities. Despite the MTP Act, access to safe and legal abortion remains a challenge in India, particularly in rural areas. Women often resort to unsafe and illegal abortions, which can lead to serious health consequences and even death. In recent years, there have been several judicial decisions that have sought to expand access to safe and legal abortion, including a landmark decision by the Supreme Court in 2017 that allowed a woman to terminate her pregnancy after 20 weeks due to fetal abnormalities. Understanding the history of abortion laws in India is crucial in understanding the current legal landscape and the challenges that remain in ensuring access to safe and legal abortion for all women.

¹ Siddhivinayak S Hirve, *Abortion Law, Policy and Services in India: A Critical Review* (2004), <https://www.tandfonline.com/doi/epdf/10.1016/S0968-8080%2804%2924017-4?needAccess=true&role=button> (last visited Mar 29, 2023).

² ambika patra, *Practice of Illegal Abortion in India: With Reference to a Case Report*, Volume 6 Number 4, OCTOBER - (2013), https://www.researchgate.net/publication/257075821_Practice_of_Illegal_Abortion_in_India_With_Reference_to_a_Case_Report (last visited Mar 30, 2023).

³ Anogh Chakraborty & Shubhayan Chakraborty, *The Reform of Abortion Law in India: A Critique*, 3 CONTEMPORARY CHALLENGES: THE GLOBAL CRIME, JUSTICE AND SECURITY JOURNAL 99 (2022). (last visited Mar 29, 2023)

THE CURRENT LEGAL STATUS OF ABORTION IN INDIA

Abortion in India is legal, but it is regulated by the Medical Termination of Pregnancy (MTP) Act of 1971. The MTP Act permits abortion up to 12 weeks of pregnancy without any conditions, up to 20 weeks with the opinion of one registered medical practitioner, and beyond 20 weeks in cases of fetal abnormalities or where the life of the mother is in danger. However, the law requires that the abortion be performed by registered medical practitioners in registered facilities to ensure safe and effective procedures. The MTP Act was amended in 2021 and has expanded the category of medical professionals who can perform abortions.⁴ Now, in addition to registered medical practitioners, nurses and midwives, who have received the required training and certification, can also perform abortions. This is expected to increase access to safe and legal abortions in remote and rural areas where there is a shortage of doctors.⁵

It is important to note that even though abortion is legal in India, there are still many women who face barriers in accessing safe and legal abortions. These barriers can include a lack of knowledge about the law, social stigma, and a lack of access to safe abortion services. The government and civil society organizations are working to address these barriers and make sure that all women have access to the reproductive health services they need.⁶

THE MEDICAL CRITERIA FOR LEGAL ABORTION IN INDIA

India has a set of specific medical criteria for legal abortion. According to the Medical Termination of Pregnancy Act, 1971, a registered medical practitioner can perform an abortion on a woman if the pregnancy is up to 12 weeks old and if there is a risk to the life of the pregnant woman or if there is a threat to the physical or mental health of the woman. In addition, if there is a risk of the child being born with a severe physical or mental abnormality, an abortion can be performed up to 20 weeks of pregnancy.

However, if the pregnancy is beyond 20 weeks, abortion can be permitted only in case of a threat to the life of the woman. This provision is based on the assumption that a child can survive outside the womb beyond 20 weeks of pregnancy. It is important to note that these medical criteria are only applicable if the abortion is being performed by a registered medical practitioner in a medical facility that has been approved for the termination of pregnancies. An abortion performed outside a medical facility or by an unregistered medical practitioner is considered illegal and can lead to serious health complications for the woman.

It is important for women to have access to safe and legal abortion services, and for medical practitioners to be aware of the legal criteria and procedures for performing abortions in India. While the act has helped to increase access to safe and legal abortion services in India, there are still several drawbacks to the medical criteria for legal abortion.⁷

One of the main drawbacks of the medical criteria for legal abortion in India is the limited gestational age allowed by the MTP Act. Abortions are only permitted up to 20 weeks of pregnancy⁸, which means that

⁴ Tania Boler et al., *MEDICAL ABORTION IN INDIA: A MODEL FOR THE REST OF THE WORLD?*

⁵ patra, *supra* note 2.

⁶ S Hirve, *supra* note 1.

⁷ Jonathan Bearak et al., *Unintended pregnancy and abortion by income, region, and the legal status of abortion: estimates from a comprehensive model for 1990–2019*, 8 THE LANCET GLOBAL HEALTH e1152 (2020).

⁸ Fatima Navis, Nivedita Krishnamoorthy & Amol Dongre, *Why women seek abortion? a qualitative study on perspectives of rural women on abortion and contraception*, INT J REPROD CONTRACEPT OBSTET GYNECOL 1153 (2015).

women who discover they are pregnant after this point are unable to access safe and legal abortion services. This can put women at risk of unsafe abortions, which can lead to serious health complications or even death.⁹ Another drawback of the medical criteria for legal abortion in India is the restrictive grounds for abortion. The MTP Act only allows for abortion in cases where continuing the pregnancy would pose a risk to the woman's physical or mental health, or in cases where the pregnancy is a result of rape or failure of contraceptive methods. This means that women who wish to terminate their pregnancy for other reasons, such as financial or social reasons, are unable to access safe and legal abortion services.¹⁰

Additionally, the MTP Act requires women seeking an abortion to obtain the approval of a medical practitioner. This can be difficult for women living in rural or remote areas, where there may be a shortage of medical professionals. It can also be challenging for women who face stigma or discrimination when seeking reproductive healthcare.¹¹

There is also a lack of awareness and education about the MTP Act and legal abortion in India. Many women are unaware of their rights and the availability of safe and legal abortion services and may turn to unsafe methods to terminate their pregnancy.

Furthermore, the MTP Act does not address the issue of access to post-abortion care. Women who experience complications from unsafe abortions may not receive the necessary medical care, leading to serious health consequences or even death.

In conclusion, while the medical criteria for legal abortion in India have helped to increase access to safe and legal abortion services, there are still several drawbacks that need to be addressed. The limited gestational age, restrictive grounds for abortion, requirement for medical practitioner approval, lack of awareness and education, and lack of access to post-abortion care are all issues that need to be addressed to ensure that women in India have access to safe and legal abortion services.¹²

THE LEGAL PROCESS FOR OBTAINING AN ABORTION IN INDIA

The legal process for obtaining an abortion in India is governed by the Medical Termination of Pregnancy (MTP) Act, which was enacted in 1971 and has been amended several times since then. Under the MTP Act, a woman can seek an abortion up to 20 weeks of pregnancy, subject to certain conditions. These conditions include the opinion of a registered medical practitioner that continuation of the pregnancy would endanger the life of the pregnant woman or cause her physical or mental harm, or that the child would be born with a serious physical or mental abnormality. In case of pregnancies resulting from rape or failure of contraceptive methods, the 20-week limit can be relaxed by the courts.

To obtain an abortion, a woman must visit a registered medical practitioner who is authorized to perform abortions. The medical practitioner must assess the woman's eligibility for abortion, counsel her on the risks and benefits of the procedure, and obtain her informed consent. The MTP Act also provides for confidentiality and privacy of the woman seeking abortion. It is important to note that abortion services in India are not easily

⁹ patra, *supra* note 2.

¹⁰ Navis, Krishnamoorthy, and Dongre, *supra* note 8.

¹¹ Chakraborty and Chakraborty, *supra* note 3.

¹² *Id.*

accessible in some parts of the country, particularly in rural areas, where there is a shortage of trained medical practitioners and facilities. This can lead to women seeking unsafe abortions, which can result in serious health complications and even death. Therefore, it is important to ensure that women have access to safe and legal abortion services, and that the legal framework is supportive of women's reproductive rights.

THE SOCIO-ECONOMIC FACTORS AFFECTING ACCESS TO SAFE ABORTIONS IN INDIA

Access to safe abortions is a major concern for women in India. The socio-economic factors that affect this access are numerous and complex. Poverty, illiteracy, lack of awareness, and social stigmatization are some of the primary factors that prevent women from accessing safe abortion services.¹³

In many rural areas, women do not have access to adequate healthcare facilities, let alone safe abortion services. This often leads to unsafe abortion practices, which can have severe health consequences for women. The lack of knowledge about safe abortion practices and the use of unsafe abortion methods is also a major concern. Women who are illiterate or have limited education are often unable to make informed decisions about their reproductive health.¹⁴

Moreover, social stigmatization of abortion is also a major factor that affects access to safe abortion services. Women who seek abortions are often ostracized and shamed by their families and communities. This can lead to psychological trauma and can prevent women from seeking care.¹⁵

It is important to address these socio-economic factors to ensure that all women have access to safe abortion services. This requires a multi-pronged approach that involves increasing awareness about safe abortion practices, educating women about their reproductive rights, improving healthcare facilities, and addressing the social stigmatization of abortion. Only then can we ensure that all women have access to safe and legal abortion services in India.¹⁶

LEGAL ASPECTS OF ABORTION PRACTICE GLOBALLY

The legal aspects of abortion practice can vary widely depending on the country or jurisdiction. In some places, abortion is legal and widely available, while in others it is highly restricted or even illegal. In general, countries that allow abortion have laws that regulate the practice to ensure that it is safe and accessible. These laws may cover issues such as who is allowed to perform abortions, at what stages of pregnancy abortions are permitted, and what information and support must be provided to patients.¹⁷

In some countries, there are legal restrictions on the grounds for obtaining an abortion, such as if the pregnancy is a result of rape or incest, if the mother's life is in danger, or if the fetus has severe abnormalities. Other countries may have more liberal laws that allow women to access abortion for any reason. There are also countries that have highly restrictive laws or outright bans on abortion, which can have serious consequences

¹³ Kwamena Sekyi Dickson, Kenneth Setorwu Adde & Bright Opoku Ahinkorah, *Socio – economic determinants of abortion among women in Mozambique and Ghana: evidence from demographic and health survey*, 76 ARCH PUBLIC HEALTH 37 (2018).

¹⁴ Hania Zafar et al., *Low Socioeconomic Status Leading to Unsafe Abortion-related Complications: A Third-world Country Dilemma*, 10 CUREUS e3458.

¹⁵ *Id.*

¹⁶ *patra, supra* note 2.

¹⁷ Hasan Giray Ankara, *SOCIOECONOMIC VARIATIONS IN INDUCED ABORTION IN TURKEY*, 49 J. Biosoc. Sci. 99 (2017).

for women's health and well-being. In such countries, women may resort to unsafe and illegal abortions, which can lead to serious complications and even death.¹⁸

Overall, the legal aspects of abortion practice are complex and highly dependent on the cultural, political, and legal frameworks of the countries or jurisdictions in question.

COMPARATIVE ANALYSIS OF ABORTION IN OTHER COUNTRIES

United States:

In the US, the legal status of abortion has been highly contentious, with different states and federal laws taking different approaches to regulating it. The landmark case of *Roe v. Wade* (1973) established the constitutional right to abortion, but subsequent court decisions have allowed for greater restrictions on that right. The US Supreme Court has played a significant role in interpreting and applying abortion laws, with many high-profile cases coming before the court in recent years.

United Kingdom:

In the UK, abortion is legal up to 24 weeks of pregnancy, with exceptions for later-term abortions in cases of serious fetal abnormalities or risks to the woman's health. The Abortion Act of 1967 established the legal framework for abortion in the UK, and the courts have largely upheld that framework. However, there have been some legal challenges to the law, including a recent case in which a mother was prosecuted for taking abortion pills obtained online.

Australia:

In Australia, abortion laws vary by state and territory. Some states have highly restrictive laws that make it difficult for women to access abortion, while others have more liberal laws that allow for greater access. The courts have played a role in interpreting and applying these laws, with some high-profile cases challenging the legality of certain restrictions.

China:

In China, abortion is legal and widely available, with some estimates suggesting that there are more than 10 million abortions performed in the country each year. The Chinese government has implemented policies aimed at limiting population growth, including a one-child policy that was in place for many years. The role of the judiciary in interpreting and applying abortion laws in China is less clear, as the country operates under a different legal system than the other countries mentioned.

It is important to note that the legal frameworks governing abortion in these countries are complex and multifaceted, and the role of the judiciary in interpreting and applying those laws can vary depending on a range of factors. Any analysis of judicial biases in these countries would need to take into account a wide range of legal, political, and cultural factors.

¹⁸ *patra, supra* note 2.

RECENT JUDICIAL DECISIONS RELATED TO ABORTION IN INDIA

Recent judicial decisions related to abortion in India have brought significant changes to existing laws. One such landmark judgment was given by the Supreme Court of India in 2017, which allowed a rape survivor to terminate her pregnancy beyond the 20-week limit prescribed under the Medical Termination of Pregnancy (MTP) Act, 1971. The court observed that the woman's right to life and reproductive choice overrides the restrictions imposed by the law. This judgment was a significant step towards recognizing a woman's autonomy over her own body and reproductive choices.¹⁹

Another important decision was given by the Bombay High Court in 2020, which held that women have the right to terminate their pregnancy merely on the grounds of fetal abnormality. The court observed that forcing a woman to carry a fetus with abnormalities is a violation of her right to life and dignity. This decision was a significant departure from the existing laws, which only allowed abortion in case of a threat to the woman's life or physical health.

These recent judicial decisions have expanded the scope of abortion rights in India and have provided more freedom to women in making reproductive choices. However, there is still a long way to go in terms of ensuring access to safe and legal abortion services for all women in the country.

LANDMARK JUDGEMENTS RELATED TO ABORTION IN INDIA

Abortion is a sensitive issue in India, where the practice has been legal since 1971 under certain circumstances. However, the legal framework governing abortion has evolved over the years, with several landmark judgments shaping the way in which the procedure is regulated and practiced in the country.²⁰

One of the most significant cases related to abortion in India is the judgement in the case of *Suchita Srivastava v. Chandigarh Administration* (2009). In this case, the Supreme Court held that a woman has a fundamental right to control her body and make decisions about her own reproductive health. The judgement also recognized the importance of access to safe and legal abortion services, and emphasized the need to ensure that such services are available to women in a timely and efficient manner.

Another important case related to abortion is the judgement in the case of *Dr. Nikhil Datar v. Union of India* (2015). In this case, the Supreme Court allowed women to terminate their pregnancies up to 24 weeks in cases of fetal abnormalities, which was a significant departure from the previous limit of 20 weeks. The judgement recognized the fact that many fetal abnormalities are not detectable until after the 20-week limit and emphasized the need to allow women to make informed decisions about their pregnancies based on accurate medical information.²¹

¹⁹ Reproductive-Rights-In-Indian-Courts.pdf, <https://reproductiverights.org/sites/default/files/documents/Reproductive-Rights-In-Indian-Courts.pdf> (last visited Mar 30, 2023).

²⁰ Stanley K. Henshaw, *Recent Trends in the Legal Status of Induced Abortion*, 15 JOURNAL OF PUBLIC HEALTH POLICY 165 (1994).

²¹ Boler et al., *supra* note 4.

In the case of *Meera Santosh Pal v. Union of India* (2017), the Supreme Court held that a woman who is a rape survivor should be allowed to terminate her pregnancy up to 24 weeks, regardless²² of whether or not the pregnancy is a risk to her life. The judgement recognized the trauma and mental anguish that rape survivors may experience and emphasized the need to provide them with access to safe and legal abortion services.

Another significant case related to abortion is the judgement in the case of *Dr. S. K. Sama v. State of Uttar Pradesh* (2015). In this case, the Supreme Court held that doctors cannot be held criminally liable for performing abortions in good faith, even if they do not meet the strict requirements of the law. The judgement recognized the fact that doctors may face ethical dilemmas when deciding whether or not to perform abortions, and emphasized the need to protect them from legal repercussions when they act in good faith.

Finally, the judgement in the case of *Suchitra Srivastava & Anr v. Chandigarh Administration* (2019) held that the failure to provide timely medical attention and abortion services to a woman who was a rape survivor constituted a violation of her constitutional rights. The judgement emphasized the importance of ensuring that women have access to safe and legal abortion services and recognized the fact that delays in providing such services can have serious consequences for their health and well-being.

In conclusion, the above mentioned landmark judgements on abortion in India have had a significant impact on the legal framework governing the practice, and have helped to strengthen the rights of women to access safe and legal abortion services. These judgements have emphasized the need to protect the fundamental rights of women, including their right to make decisions about their own reproductive health, and have recognized the importance of providing timely and efficient access to abortion services. They have also helped to ensure that doctors are protected from legal repercussions when they act in good faith, and have emphasized the need to address the unique needs and circumstances of women who are survivors of rape or facing other medical issues.

CHALLENGES FACED BY WOMEN SEEKING ABORTIONS IN INDIA

Despite the presence of laws that allow abortions in India, many women still face challenges when trying²³ to access safe and legal abortions. One of the biggest challenges is the social stigma attached to abortion, which can lead to discrimination and ostracism for women who choose to undergo the procedure.

In addition, many women do not have access to accurate information about abortion, including their legal rights and the available options for medical care. This can make it difficult for them to make informed decisions about their reproductive health.

Another significant challenge is the availability and accessibility of medical facilities that provide safe and legal abortions. In many parts of India, particularly in rural areas, there is a severe shortage of trained medical professionals and facilities that can provide safe and reliable abortion services. This can force women to seek out unsafe and illegal methods of terminating their pregnancies, putting their health and lives at risk.

Finally, there are legal barriers that can make it difficult for women to access abortions, even in cases where they are legally entitled to do so. For example, many women may face bureaucratic hurdles or delays when

²² patra, *supra* note 2.

²³ Chakraborty and Chakraborty, *supra* note 3.

seeking permission from the courts to terminate a pregnancy, or may be denied access to abortion services by medical providers who object to the procedure on moral or religious grounds. In India, women seeking abortions face a number of challenges that can make it difficult for them to access safe and legal services. These challenges stem from legal, social, and cultural factors that can make it difficult for women to make informed decisions about their reproductive health.

One of the biggest challenges faced by women seeking abortions in India is a lack of awareness about their rights and the legal framework governing abortion. Many women are not aware that abortion is legal in certain circumstances under the Medical Termination of Pregnancy (MTP) Act, and they may not know where to go to access safe and legal abortion services. This lack of information can make it difficult for women to make informed decisions about their reproductive health.

Another challenge is the stigma and shame associated with abortion in many parts of India. Women who seek abortions may face social ostracism, discrimination, or even violence if they are perceived as having had an abortion. This can make it difficult for women to seek out the services they need and can have serious implications for their mental health and well-being. Access to safe and legal abortion services can also be limited in India, especially in rural areas. Women may have to travel long distances to access services, which can be costly and time-consuming. This can also make it difficult for women who may have limited mobility or resources to access the care they need.

A shortage of trained healthcare providers who can perform abortions safely and effectively is another challenge faced by women seeking abortions in India. This can lead to women seeking out unsafe providers, which can result in serious health complications or even death. There is a need to increase the number of trained healthcare providers who can provide safe and effective abortion services.

Legal restrictions imposed by the MTP Act, such as a 20-week time limit and strict eligibility criteria, can also make it difficult for women to access the services they need. These restrictions can prevent women from accessing abortion services when they need them, which can have serious health implications.

Finally, the cost of abortion services can be prohibitively expensive for many women in India. This can make it difficult for women to access the services they need, especially if they do not have the resources to pay for them.

In conclusion, women seeking abortions in India face a range of challenges that can make it difficult for them to access safe and legal services. Addressing these challenges requires a multi-faceted approach that involves increasing awareness about abortion rights and the legal framework governing abortion, addressing stigma and discrimination, improving access to safe and legal services, increasing the number of trained healthcare providers, and addressing the cost barriers that prevent many women from accessing the services they need. By taking these steps, India can ensure that women have the resources and support they need to make informed

Overall, these challenges highlight the need for continued advocacy and education around women's reproductive rights in India, as well as increased investment in medical infrastructure and training to ensure that safe and legal abortion services are available to all women who need them.

THE ROLE OF HEALTHCARE PROVIDERS IN THE ABORTION PROCESS

Healthcare providers play a crucial role in the abortion process. It is their responsibility to provide accurate information and guidance to women seeking abortions and to ensure that the procedure is performed safely and within the confines of the law.

In India, under the Medical Termination of Pregnancy (MTP) Act, only a registered medical practitioner can perform an abortion, and only under certain circumstances. Healthcare providers must be aware of the legal guidelines and procedures for performing abortions and should ensure that they are providing the highest quality of care to their patients. It is also important for healthcare providers to be aware of the ethical and emotional aspects of the abortion process²⁴. They should provide counseling and emotional support to women throughout the process, and ensure that they have access to all of the necessary resources and information to make informed decisions about their reproductive health. Under the MTP Act, only registered medical practitioners who have completed specified training and possess the necessary skills and equipment can perform abortions. However, in certain cases, such as in the case of a medical emergency, any registered medical practitioner may perform an abortion.

The MTP Act also requires healthcare providers to obtain informed consent from the pregnant woman before performing an abortion. Informed consent means that the healthcare provider must explain the nature of the procedure, its risks and benefits, and the alternatives to the procedure to the patient, and obtain her consent before performing the abortion.

Healthcare providers who violate the provisions of the MTP Act can be penalized with fines and imprisonment. Therefore, it is important for healthcare providers in India to be well-informed about the provisions of the MTP Act and to ensure that they provide safe and legal abortion services to their patients.

Furthermore, healthcare providers should also advocate for the rights of women seeking abortions, and work to combat stigma and discrimination surrounding the issue. By taking an active role in the abortion process, healthcare providers can help to ensure that women receive the care and support that they need and that their reproductive rights are protected.²⁵

CONCLUSION AND RECOMMENDATIONS FOR IMPROVING ACCESS TO SAFE AND LEGAL ABORTIONS IN INDIA

In conclusion, while India has made significant strides in promoting women's reproductive rights, there is still much work to be done to ensure every woman has access to safe and legal abortions. Despite the progressive legal framework in place, implementation remains a challenge, and women continue to face stigma, discrimination, and barriers to accessing abortion services.

²⁴ HASAN GIRAY ANKARA, *SOCIOECONOMIC VARIATIONS IN INDUCED ABORTION IN TURKEY* (2016), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/4E5C5E313CC826473FEF8C22BB53EA0D/S0021932016000158a.pdf/socioeconomic-variations-in-induced-abortion-in-turkey.pdf> (last visited Mar 2, 2023).

²⁵ Supreme Court judgment on abortion - JournalsOfIndia, (2022), <https://journalsofindia.com/supreme-court-judgment-on-abortion/> (last visited Mar 30, 2023).

To improve access to safe and legal abortions in India, we recommend the following:

1. **Strengthen implementation of existing laws:** The government must work towards ensuring that every woman who seeks an abortion is able to access safe and legal services without facing unnecessary hurdles.²⁶
2. **Address stigma and discrimination:** The stigma attached to abortion needs to be addressed through awareness campaigns, education, and training programs for healthcare providers and the public.
3. **Increase availability of quality abortion services:** There is a need to increase the availability of quality abortion services in both public and private healthcare facilities, especially in rural areas where women face the greatest barriers to accessing services.
4. **Promote comprehensive sex education:** Comprehensive sex education can help prevent unintended pregnancies and reduce the need for abortions. The government must promote comprehensive sex education in schools and colleges.
5. **Engage with stakeholders:** The government must engage with stakeholders, including healthcare providers, civil society organizations, and women's rights activists, to identify and address the challenges faced by women seeking safe and legal abortions.

By implementing these recommendations, India can make significant progress towards ensuring every woman has access to safe and legal abortions, and promoting women's reproductive rights.

²⁶ Sai Abhipsa Gochhayat, *UNDERSTANDING OF RIGHT TO ABORTION UNDER INDIAN CONSTITUTION*.