
HER BODY, HER CHOICE

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ABSTRACT

The Constitution of our country provides for fundamental rights to every citizen of our country. Article 21 of our constitution provides for 'Right to life' which is a fundamental right provided in our Constitution of the India. The judiciary in various judgments widened the scope of this article. Right to privacy was held as an integral part in K.S. Puttaswamy judgement.¹ Right to abortion is a species of right to privacy. also includes the right to abortion. The article highlights the issues faced by a woman in exercising their fundamental right provided under Article 21- "Right to life". The Right to abortion is not only a fundamental right but also a Human right. Medical Termination of Pregnancy Act, 1971, was formed to protect female's health. Even after so many years of its formation and various amendments, women are still being denied their right to terminate a pregnancy. The Act allows 'abortion only on exceptional conditions' rather than being 'denying abortion only on exceptional conditions.' The women have then no other option but to resort to unsafe abortion. The article discusses the changes which are needed in the act. Despite so many years of gaining independence, the women in India are not free to make decisions about their bodies. Margaret Sanger has rightly said: '*No woman can call herself free when she does not own and control her body*'.²

¹ 2017 10 S.C.C

²https://www.brainyquote.com/quotes/margaret_sanger_270931#:~:text=Margaret%20Sanger%20Quotes&text=No%20woman%20can%20call%20herself%20free%20who%20does%20not%20own,will%20not%20be%20a%20mother

I. INTRODUCTION

*'I remember the night my mother
Was stung by a scorpion.
Ten hours
Of steady rain had driven him
To crawl beneath a sack of rice'.³*

These are the opening lines of a beautiful poem by Nissim Ezekiel telling us about one night when a lady was stung by a scorpion. The poem tells us about her immense suffering, her pain. And the poem ends by:

*'After twenty hours
It lost its sting.
My mother only said
Thank God the scorpion picked on me
And spared my children'.⁴*

These beautiful lines tell us the reality about the mother and child relationship where the mother's life rotates around her child.

Mother's love is unconditional and can't be compared with anything on this earth. But sometimes, situations arise when a mother goes for the option of aborting the child. We need to respect her choice and her right to life, which include decisions relating to her pregnancy.

II. DISCUSSION

A. Meaning of Abortion

The abortion can be defined as: the termination of a pregnancy after, accompanied by, resulting in, or closely followed by the death of the embryo or fetus such as-

1. Spontaneous expulsion of a human fetus during the first 12 weeks of gestation
2. Induced expulsion of a human fetus
3. Expulsion of a fetus by a domestic animal often due to infection at any time before completion of pregnancy.⁵

³ <https://allpoetry.com/Night-of-the-Scorpion>

⁴ <https://allpoetry.com/Night-of-the-Scorpion>

⁵ <https://www.merriam-webster.com/dictionary/abortion>

As per the **Black's law dictionary**, an abortion means, "The artificial and spontaneous termination of pregnancy before the embryo or fetus can survive on its own outside a woman's uterus".⁶ In medical language, abortion is the termination of pregnancy prior to the fetus attaining the stage of viability.

In Medical Termination of Pregnancy act, 2021 – the term used is termination of pregnancy without any implicit meaning of the term in the Act.

B. History of Abortion Law in India

Abortion laws in India is not a recent phenomenon. Abortion is criminalized under section 312 of Indian Penal code, 1860. It is described as 'causing miscarriage except in cases where abortion was carried out to save the life of the woman'. It was a punishable offence and criminalized women.

Section 312 – Causing miscarriage – 'Whoever voluntarily causes a woman with child to miscarry, shall if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine'.

It was in the 1960s when 15 countries legalized abortion. To tackle an alarming increase in abortion, the Government of India instated a committee in 1964 led by Shantilal Shah suggest a draft abortion law for India. The draft abortion law recommendations were accepted by the parliament and medical termination of pregnancy bill was passed in 1971.

The medical termination of pregnancy act, 1971 permitted termination of pregnancy till 20 weeks.

The Act also tells about:

1. Who can terminate a pregnancy –Only a registered medical practitioner who has a recognized medical qualification under Indian Medical council act, whose name is entered in the State Medical Register, who has such training or experience as per MTP

⁶ Henry Campell Black, Black's Law Dictionary (2nd ed. 2010)

Act.

2. Where can a pregnancy be terminated- All government hospitals are by default permitted to provide CAC services, private hospitals require prior approval of the government. The approval is sought from a committee formed at the level of district called the District Level Committee with 3-5 members. Form A and Form B are prescribed for approval of private places.
3. Whose consent is required for termination of pregnancy- Only the consent of a woman whose pregnancy is being terminated is required, in the case of minor i.e. below 18 years of age, or a mentally ill person, consent of the guardian is required.
4. Whose opinion is required for termination of pregnancy-For termination till 12 weeks of gestation, opinion of one registered medical practitioner whereas for the length of pregnancy between 12 and 20 weeks, opinion of two registered medical practitioner is required.

The Act was then amended in 2002 and included provisions like:

1. Decentralizing the process of approval of a private place to offer abortion services at the district level.
2. The word “lunatic” was replaced by “mentally ill person”.
3. Unapproved sites or untrained medical providers conducting abortion would have to face stricter penalties.

Medical Termination of Pregnancy (Amendment) Act, 2021 included provisions like:

1. The amendment increases the upper limit for termination of a pregnancy from 20 weeks to 24 weeks.
2. It included the requirement of the opinion of one medical practitioner for termination of pregnancy till 20 weeks of pregnancy.
3. It also included the requirement of the opinion of two RMPs for termination of 20- 24 weeks.
4. The increased gestation limit is for rape survivors, victims of incest and other vulnerable women.
5. For unmarried women, the relaxation is made in the contraceptive failure condition for “any woman or her partner” from the present position for “only married woman or her husband”, allowing them to terminate the pregnancy medically.

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C. Position of Abortion Law in the United States of America

Abortion has been legalized in U.S and its territories, although restrictions and accessibility vary from state to state. Before the landmark decisions of *Roe vs. wade* and *Doe vs. Bolton* abortion was legal in some countries, but *Roe v. Wade* led to imposing a uniform structure for state legislation on abortion. These decisions decriminalized abortion-Landmark case law relating to abortion rights in U.S.

Landmark case laws relating to abortion in U.S:

Roe vs. Wade⁷: It is one of the landmark judgments of U.S.A. The facts of the case were that a pregnant single woman (Roe) brought an action for declaratory judgment challenging the constitutionality of the Texas criminal abortion laws, which prohibit abortions except on medical advice for the purpose of saving the mother's life. Roe life was not endangered by pregnancy. The district Court held that the right to choose whether to have children was protected by the 9th Amendment, through the 14th Amendment and the Texas criminal abortion statutes were void because they were unconstitutionally vague and overbroad. The court said that the 14th amendment protects a woman's right to privacy. The court held that the right to privacy also include woman's decision whether to terminate her pregnancy. The state can only control a woman's right to safeguard her health and potential human life. The court set forth the following: the state may not interfere with or regulate an attending physician decision, reached in consultations with his patients relating to abortion during the first trimester; the state will not interfere from end of first trimester to the time fetus becomes viable except in times of protecting mother's life. From the time of fetus becoming viable to the end of pregnancy, the state may prohibit abortions altogether, except those necessary to preserve the life and health of the mother, and the state may proscribe the performance of all abortions except those performed by physicians currently licensed by the state.

Doe vs. Bolton⁸: The court ruled that a woman's right to an abortion could not be limited by the state if abortion were sought for reasons of maternal health. The court defined health as "all

⁷ 410 U.S. 113 (1973)

⁸ 410 U.S. 179 (1973)

factors – physical, emotional, psychological, familial, and the woman's age – relevant to the well beings of the patient.” This health exception expanded the right to abortion for any reasons through all three trimesters of pregnancy.

The laws regarding to abortion vary from one country to another country. Some states like Chile, El Salvador, Nicaragua, Malta, and Vatican City have banned. Abortion procedure of abortion exclusively while states like Canada, United States of America have placed no restriction on provision relating abortion.

D. Understanding of Right to Abortion Under Our Constitution

Right to Life is recognized under Article 21 of our constitution which says that ‘No person shall be deprived of his life and personal liberty except according to procedure established by law ‘In **Munn v. Illinois**⁹, Field, J., defined "life" in the following words:

‘Something more than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world’.

Right to abortion is an essential part of the Indian Constitution; it has been recognized under the Right to Privacy. In Justice K.S Puttaswamy case¹⁰- The court unanimously affirmed the Right to Privacy as fundamental right under the constitution. Few lines by Honorable judge DY Chandrachud in this judgment are:

‘Privacy is a concomitant of the right of the individual to exercise control over his or her personality. It finds an origin in the notion that there are certain rights which are natural to or inherent in a human being. Natural rights are inalienable because they are inseparable from the human personality. The human element in life is impossible to conceive without the existence of natural rights. In 1690, John Locke had in his Second Treatise of Government observed that the lives, liberties and estates of individuals 28 (1975) 2 SCC 148 are as a matter of fundamental natural law, a private preserve. The idea

⁹94 U.S. 113 (1876)

¹⁰2017 10 S.C.C.

of a private preserve was to create barriers from outside interference. In 1765, William Blackstone in his Commentaries on the Laws of England spoke of “natural liberty”. There were, in his view, absolute rights which were vested in the individual by the immutable laws of nature. These absolute rights were divided into rights of personal security, personal liberty and property. The right of personal security involved a legal and uninterrupted enjoyment of life, limbs, body, health and reputation by an individual’.

The court has, time and again, reiterated that the right to reproductive choice and the right to seek abortion falls under article 21 of the constitution as early as in 1963. In **Kharak Singh vs. state of U.P and others**¹¹- the Supreme Court has interpreted article 21 and recognized that a person has complete rights of control over his body organ’. Thus, it can be said that Right to procreation and to have control over one's reproductive organs gives birth to another important right i.e. the right to abortion. One of the landmark judgments in this aspect is Suchita Srisvastava case. In **Suchita Srivastava Case**¹² –An orphaned woman having the mental capacity of nine-year-old was living in the government institution. She was raped and became pregnant. The staff discovered her pregnancy when she was already 9 weeks pregnant. The high court ordered the termination of her pregnancy considering her mental state, but she wanted to continue her pregnancy and appealed before the Supreme court. The Honorable court gave a landmark Judgment permitting her to continue with her pregnancy. The court held that article 21 of constitution that guarantees right to life and personal liberty has broader dimension. They also apply in the sphere of women applying for reproductive choices.

After so many judgments and after so many years, our MTP Act, 1971, has not been able to protect the reproductive rights. The validity of the MTP act was disputed in the suit of **Nand Kishore Sharma VS Union of India**.¹³ A PIL was filed in Rajasthan High Court challenging the provisions of section 3(2)a and b of the Medical Termination of Pregnancy Act, 1972 and Explanation I and II violative of Article 21 of the constitution. It was ruled in this case that the MTP Act was in conformity with Article 21 of the Indian Constitution as it was to save the life of pregnant women, to prevent any possible harm to their physical or mental health, and to avoid any likely disability in the child to be born. The court said that the acts aim to ‘to save the life of the pregnant woman or to relieve her of any injury toward physical and mental health or prevent the possible deformities in the child – to be born.’. They further mentioned that the

¹¹1963 AIR 1295, 1964 SCR (1) 332

¹²*Suchita Srivastava v Chandigarh Administration* (2009): SCC, SC, 9, p 1

¹³ AIR 2006 Raj 166, 2006 WLC Raj UC 411

act:

‘seeks to liberalize certain existing provisions relating to termination of pregnancy has been conceived (1) as a health measure – When there is danger to the life or risk to physical or mental health of the woman; (2) on humanitarian grounds – Such as when pregnancy arises from a sex crime like rape or intercourse with a lunatic woman, etc.; (3) eugenic grounds – Where there is substantial risk that the child, if born, would suffer from deformities and diseases’.

In Nikita Mehra case, the court said that ‘there is no abortion on demand’ in the MTP act.¹⁴ The court further said that **‘termination of pregnancy under the provisions of this act is not the rule but only an exception.’** Thus, the MTP Act doesn’t make abortion legal but gets a clear situation in which it is permitted. In March 2017, a 28- year- old woman from Mumbai approached the Supreme Court to seek permission to terminate her 27- week pregnancy after the discovery that the fetus was suffering from Arnold Chiari Type II syndrome. The Supreme Court denied her permission for an abortion, on the grounds that the baby may be born alive. It is one of the cases which shows that how a woman is not given right over her body, she is denied the right to take her own decision about her pregnancy, how she has to go through the mental and physical trauma when she has to go the court to seek permission to terminate her pregnancy when the fetus is diagnosed with severe abnormalities and is then denied by the court to terminate the pregnancy. The court, on the opinion of the medical board, gave the decision instead of considering the choice of the woman who should be the sole decision-maker. Article 21, in real sense, is not given to females. The abortion of woman is conditional in India. Indian women face legal hurdles in exercising their fundamental right under article 21. Some of which are:

1. Medical Termination of Pregnancy Act, 1971 vs Protection of Children from Sexual Offences Act, 2012

Section 19(1) of the Protection of Children from Sexual Offences Act, 2012, requires anyone who knows that sexual offences have been committed to report the case to appropriate authorities. Under the POCSO Act, a minor girl (under 18 years) cannot consent to sexual intercourse. Thus, a pregnant minor girl, irrespective of the fact that she is married or not, is considered a victim of sexual assault. A medical person is required to report the pregnancy to

¹⁴Dr. Nikhil D. Datar v. Union of India &Ors., SLP (C) 5334 of 2009

appropriate authorities, even if the girl has refused to take legal action. Section 19(1) of Protection of Children from Sexual Offences Act, 2012:

Reporting of offences. - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 2 of 1974. any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence have been committed, he shall provide such information to:

1. the Special Juvenile Police Unit; or
2. the local police.¹⁵

Medical Termination of Pregnancy act, 1971, requires strict privacy protection for women and girls undergoing an abortion.

Section 7 of the Medical Termination of Pregnancy Act is:

Power to make regulations:

1. The State Government may, by regulations
 - c. Prohibit the disclosure, except to such persons and for such purposes as may be specified in such regulations, of intimations given or information furnished in pursuance of such regulations.
2. The intimation given and the information furnished in pursuance of regulations made by virtue of clause (b) of sub-section (1) shall be given or furnished, as the case may be, to the Chief Medical Officer of the State.
- 2A Every regulation made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.
3. Any person who wilfully contravenes or wilfully fails to comply with the requirements of any regulation made under sub-section (1) shall be liable to be punished with fine which may extend to one thousand rupees.¹⁶

¹⁵ <https://wcd.nic.in/sites/default/files/POCSO%20Act%2C%202012.pdf>

¹⁶ <http://tcw.nic.in/Acts/MTP-Act-1971.pdf>

Thus, the **POCSO Act and MTP Act** have contradictory provisions. In Madras High Court, **M.Kala VS The Inspector of Police** – A 14- year- old girl approached a doctor for medical termination of pregnancy. She was accompanied by her father to the hospital, but the doctor refused to perform the surgery. The girl's parents filed a petition in the high court, challenging the doctor's refusal to terminate the girl's pregnancy. The issue in this particular case was whether the doctor has an obligation to inform the police when a minor request an abortion? The court said in this case that doctors have an immediate obligation to inform the police when minor requests a medical termination of pregnancy.

Thus, it is seen requiring a doctor to immediately report pregnant minor as POCSO case' violates girls' privacy and may deter young women in a consensual relationship from seeking safe abortion service. According to the **National health family survey** conducted in 2015-2016, most men had their first sexual intercourse at the age of 20-24 while women had during 15-19 years of age.¹⁷ The legal inconstancies result in refraining girls in India from seeking a legal abortion or resort to unsafe abortion in order to avoid the mandatory reporting requirement. The POCSO Act, although a very important one, is now turning to be a hurdle for these girls seeking safe abortions, fundamentals to their freedom and right to live with dignity. It violates patients' confidentiality. It has been seen that relatives of minor girls are involved in many POSCO cases. The family of the girl goes for unsafe abortion as under the POCSO Act the doctor has to report to the authorities. Due to the fear of the safety of family or of daughter, they resort to unsafe abortion.

2. Right to choose vs spouse consent to terminate pregnancy

The following case laws show that though in the act only the consent of a female is required for abortion but in reality, the scenario is totally different. She is not the sole authority to make decisions on her body. In **Satya vs Sri Ram**¹⁸ –The marriage was dissolved under decree of divorce granted under the Hindu Marriage Act, 1955, on the grounds of cruelty. She terminated her pregnancy without her husband's consent. The court said that a woman who terminated her pregnancy twice without her husband's consent amounts to cruelty. This case shows that how a female's right about her reproductive health is dependent on her spouse. She is not the sole decision taker about her body. Again, in **S.K Verma vs Usha**¹⁹- The case was filed by the

¹⁷ <https://www.livemint.com/Politics/RC0cvSgItInzrPBjAZ3f2L/Sex-in-India-What-data-shows.html>

¹⁸ AIR 1983 P H 252

¹⁹ A.I.R 1987 del. 86.

husband for the dissolution of marriage under the Hindu Marriage Act, 1955. The wife aborted her first pregnancy without her husband's consent. The court ruled that aborting her first pregnancy without her husband's consent amounted to cruelty.

Samar Ghosh vs Jaya Ghosh²⁰-The case dealt with the issue of whether a unilateral decision to terminate a pregnancy without her husband's consent amounts to cruelty, a ground for divorce. The court's ruling was that 'if the wife undergoes vasectomy or abortion without medical reason or without consent or knowledge of her husband, such may lead to mental cruelty.'

Thus, the situation is different on the ground. In the words of Justice, A.K Sikri said:

'When we talk of reproductive rights in this country, then there is hardly any choice so far as women is concernedI can't help but wonder why we as humans have failed humanity. I am perplexed as to how 21st century, with all the technological advances, we are still not able to bring our women to enquire fruits of humanity. This is harsh reality'.²¹

3. Medical Termination of Pregnancy Act, 1971 vs. Pre-Conception and Pre-Natal Diagnostics Techniques Act, 1944

PCPNPDT Act was made to regulate technologies with the motive of preventing sex selective. The positioning of sex- selection vs. access to abortion is not only misplaced, it immensely harms women's physical and emotional health whereby they are either forced to continue unintended pregnancies or have to go for unsafe abortion. According to various medical technologies, sex selection is usually not possible before 12 weeks of pregnancy. For example, - Ultrasound can reveal the sex not earlier than 14 weeks. Ultrasound is the most common technique which uses sound waves to create an image of your baby. Doctors schedule an ultrasound usually around 18-21 weeks, but sex can be determined by ultrasound as early as 14 weeks. Thus, not allowing the female right to abortion on the excuse of female fetus abortion is not justified. In High Court of Punjab & Haryana, **Sadhu Ram vs. Ranjit Kumar&ors**²² –The facts of the case were that a woman and her husband faced charges under IPC Sec 312 because the woman decided to terminate her pregnancy

²⁰ Samar Ghosh v. Jaya Ghosh, 26 March 2011 (Appeal (C) 151/2004)

²¹ <https://jgu.edu.in/blog/2017/02/13/jindal-global-university-and-centre-for-reproductive-rights-hosts-symposium-on-reproductive-rights-in-indian-courts/>

²² Sadhu Ram Kulsa v. Ranjit Kaur

at 14 weeks. The doctor advised having an ultrasound before the termination. After surgery, she and her husband were accused of aborting to eliminate a female fetus. The woman argued that she did not know the sex of the fetus. The Trial court and High court came to a just conclusion. This judgment reiterates the impact created by the oppressive implementation of the PCPNDT Act and vigilant policing of women's bodies in the name of saving the girl child. Couples and their doctors had to suffer through 2 years of litigation and scrutiny for serious criminal charges before the high court quashed the charges.

High Court of Gujarat - **Umesh vs District** ²³—The High court, in this case, gave an order to every woman to register her pregnancy and obtain a unique ID. Woman who does not have a Mamta card will be barred from accessing sonography service. If a woman wants or needs to terminate the pregnancy after sonography, she must obtain permission from the district health officer.

“Tracking” pregnant women who undergo medical termination shows the assumption of people that women cannot make a decision about their own bodies. It also stigmatizes those who seek abortion. Medical Termination of Pregnancy requires the consent of 1 or 2 doctors depending upon the time period, while a new provision to seek permission from DHO has been added in PCPNDT her. Due to these provisions, doctors have become wary. A senior gynecologist said, ‘Even though I have performed an abortion for a genuine reason, in case the aborted fetus turns out to be a female, who would want to get caught up in a cycle of giving explanations in government offices’ or worse, risk having their establishment discredited over such an accusation.²⁴ Due to this, the gap created by professionals is filled with quacks and unprofessional, finally leading to unsafe abortions and nullifying the objective of the Act.

4. Right of rape victim vs Medical Termination of Pregnancy Act, 1971

According to the report, courts did not allow minor rape victims an abortion in 17% of 82 cases between April 2016 and July 2019. According to the MTP Act, abortion until 20 weeks is allowed. Between April 2016 and July 2019, 40(33 were of rape victims), petitions seeking an abortion under 20 weeks had to be filed in court as the doctors refused to perform them.²⁵

²³ Umesh v. District, 26 February 2010 (Special Civil Application No. 11531/2006)

²⁴ <https://indianexpress.com/article/gender/whats-wrong-with-indias-abortion-laws/>

²⁵ <https://www.indiaspend.com/medical-termination-of-pregnancy-act-failing-women-who-need-it-the-most/>

E. Statistics

The data shows how legal hurdles are leading to women facing mental and physical trauma. Each day 10 women die due to unsafe abortion, and out of the total abortion, 56% are unsafe abortion- IndiaSpend reported in November 2017. In the world, 47,000 women die every year, according to the United Nations.²⁶

According to WHO and Guttmacher, every year at least 22,800 women die due to unsafe abortion; and those women who survived unsafe abortion sustained long-term damage or disease (incomplete abortion, infection, bleeding, and injury to the internal organs, such as puncturing or tearing of the uterus). They also said that abortion is safer in countries where it's legal but dangerous in countries where it's outlawed. The WHO reports that in developed regions- 92% of abortions are safe, while in developing countries – 55% are unsafe. Of all unsafe abortions, one third was performed under the least safe conditions.²⁷

The Guttmacher Institute, New York, International Institute for Population Sciences (IIPS), Mumbai, and Population Council, New Delhi, conducted the 1st study in India to estimate the incidence of abortion. The results were published in Lancet. The critical points of the study were:

1. 15.6 million Abortions take place in India in 2015.
2. 3.4 million of these took place in health facilities, 11.5 were done through medical methods outside facilities, and 5 % are expected were done through other methods.²⁸

III. CONCLUSION

Abortion has always been a debatable topic between Pro-choice Vs. Pro-life. Ronald Dworkin has expressed that '**not everything that can be destroyed has an interest in not being destroyed**'.²⁹ According to him, the fetus can only feel the pain when the brain is developed, and the brain is developed in late pregnancy. Therefore, he said that something that is not alive has no interest and once the fetus can live on its own, only then can it have interests. Abortion need to be allowed without any condition on the choice of women except when it is dangerous

²⁶ <https://www.indiaspend.com/medical-termination-of-pregnancy-act-failing-women-who-need-it-the-most/>

²⁷ "Induced Abortion Worldwide". Guttmacher Institute. 2016-05-10. Retrieved 2018-03-08.

²⁸ <https://www.guttmacher.org/news-release/2017/national-estimate-abortion-india-released>

²⁹ RONALD DWORKIN FREEDOM'S LAW: THE MORAL READING OF THE AMERICAN CONSTITUTION 90(1999)

to the woman's life. In India though, the laws recognize the existence of an unborn as a legal person. It doesn't grant rights until the birth of the child and the state can interfere only after the unborn attains viability. Thus, first- trimester abortion should be allowed on the request of the woman.

Our Act needs changes to be in tune with today's world, to be changed from 'abortion allowed only under certain conditions' to 'refusal of abortion only under certain conditions', Maintenance for rape victims, incest or other such vulnerable women who were not able to abort their pregnancy as the abortion could be harmful for the mother and the child and have to bear the financial burden, constitution of medical boards leads to delays and additional burden on our already overburdened health system. It is high time that we take measures to improve the maternal health of Indian women and to control the mortality rate of the women due to unsafe and illegal abortion, to make them the sole authority to take the decision about their body and their life. By making changes in this Act, we can also take a small step towards the empowerment of woman i.e.:

'The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment'.³⁰

³⁰ <https://www.un.org/womenwatch/daw/beijing/platform/declar.htm>