CHAPTER-VIII
CONCLUSIONS AND SUGGESTIONS

“No woman can call herself free until she can choose consciously whether she will or will not be a mother”

*Margaret Sanger*

“The touch of children is the delight of the body; the delight of the ear is the hearing of their speech.” As procreation of children is the inherent biological, social, psychological, spiritual need of every couple and the right to reproduce is a fundamental and an innate human right, therefore the right to decide upon the matters of procreation, abortion and sterilization should be the absolute arena of an individual and she/he should have the right to decide about all the matters affecting their bodies without anybody’s interference.¹

As gender based violence is a form of discrimination which seriously inhibits women’s ability to enjoy the rights and freedom on the basis of equality with men. But unfortunately, responsibility of reproduction coupled with gender inequality and discrimination harms women’s health directly or indirectly throughout their life and particularly during their child-bearing span. Socio-cultural constraints along with poverty and social injustice keep women ignorant of their reproductive rights and so prevent them from enjoying good health and attain an identity of their own unbound by their sexual and mothering roles. Unequal relationship between husbands and wives hamper women to have control on their own bodies, participate in decision making regarding fertility regulation and protect themselves against unwanted pregnancies.²

The researcher observes that women are the second gender in the world and as already discussed women’s rights are human rights so human rights should be recognized and implemented in the whole spirit and be not only in papers. But if we talk about reproductive freedom, this topic has not been fully adopted in spirit by the international bodies and there are still gaps and

lacunas in its effective implementation. No stringent action is taken on the guilty state who fails to provide information hence adversely affecting the maternal and child health. This is because international law does not form part of domestic law unless it is expressed and incorporated by legislation. International Conventions and treaties that India has signed are not binding unless and until domestic law has been passed which incorporates such provisions.

In India though the legislature and judiciary have taken various effective steps to empower the women even then the woman continue to suffer. This is so unfortunate that the Indian law is silent on the most vital issue i.e. reproductive freedom. There is no specific legislation in this regard and even the terms ‘reproductive rights’ or ‘reproductive freedom’ are not defined anywhere. The Constitution of India does not even deal with reproductive rights directly. It is only the Supreme Court that expanded the horizon of the right to life and personal liberty and added right to privacy in it and declared that Article 21 guarantees a person the freedom to take decisions about his/her personal life. Though the law recognizing reproductive interests is prevailing in scattered form and there are certain legislations which indirectly recognize the women’s right to conceive. In India under Indian Penal Code, 1860 sexual intercourse with a minor wife of 15 years or above is not an offence. The Hindu Marriage Act, 1955 and the Child Marriage Restraint Act, 1929 (which is now repealed and replaced by Prohibition of Child Marriage Act, 2006) also does not invalidate the marriage of a minor girl. Moreover, Prohibition of Child Marriage also renders the child marriages voidable but void in a few circumstances only. Therefore, these legislations indirectly recognize the right of a minor girl to marry and thereby to conceive. Therefore, it is a vital issue that such an important matter which can affect woman’s life and needs great attention is not considered seriously by Indian legislature.

Reproductive freedom is an indispensable condition for both types of women i.e. to a woman who wants to have a child in addition to a woman who does not want to have it. But unfortunately, women are coerced into

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pregnancy against their will and they are condemned to act as child vending machine for her husband. There are plenty of cases where the husband and in laws have attempted to kill the woman who could not give them a child. Women and their right to determine their sexuality, fertility and reproduction are considerations that have seldom adhere to, if ever, been taken into account in formulation of policies relating to reproductive freedom.\footnote{Amar Jesani and Aditi Iyer, “Women and Abortion” Economic and Political Weekly, Nov. 27, 1993 at 2591.}

High numbers of abortion cases, poor pre and post-natal care facilities, and inadequate knowledge about contraceptives are malaises prevalent in most of the countries as many of the societies are still characterised by their customs whereby the personal freedoms of an individual such as consensual sex, child abortion etc. are dictated by cultural norms such as religious and personal laws relating to marriage, divorce, adoption, property rights etc.\footnote{Ankita Shree “Maldives: Women, Abortion and Politics” XLIX No. 41 Mainstream 32-33 (Oct.1, 2011).} There are several communities where still child marriages are solemnized which in turn leads to early pregnancies and child births. A large section of adolescent mothers suffers from various degrees of malnutrition both during adolescence and pregnancy which ultimately lead to birth of low weight babies followed by episodes of high infant and child mortality and morbidity. Therefore, in the opinion of the researcher there is a need to impart adequate knowledge on reproductive health and safe sex both among adolescent girls and boys.

Another issue which needs consideration is in regard to targeted approach to family planning. Though Government of India has abandoned the targeted approach to family planning in 1996 in deference to international conventions like the CEDAW which it signed, but it continued to promote incentives for sterilizations, boosting it as a preferred mode of birth control in India. Therefore, Indian Government indirectly boosts its targeted approach ever since 1981, the government has been implementing a centrally-sponsored scheme to compensate acceptors of sterilization for loss of wages for the day on which he or she attends the medical facility for undergoing the procedure. The wages under the scheme is Rs.1500 per person for male
sterilization (vasectomy) and for female sterilization (tubectomy) is Rs. 1000 if such a procedure is conducted in a public hospital. But reality is that it is only women who have to undergo the burden of this procedure as 96 per cent of sterilization involves women only. This is because men do not go for vasectomy because they fear that they might lose their virility by undergoing this procedure which is much easier and safer as compared to female sterilization. Therefore, women in order to control their family have no other option except to accept the horror of these procedures which are conducted in unhygienic, risky and in inhuman manner. For instance, 16 women died in a sterilization camp in Chhattisgarh’s Bilaspur where a botched-up sterilization camp was organized at a local hospital. Although the Bilaspur deaths would remain by and far the darkest chapter in the history of female sterilizations in India, but deaths and complications in tubectomy are a routine. For instance every month, around 15 women on an average die on account of botched-up sterilizations, a permanent method of birth control which forms 37.3 per cent of India’s 48.4 per cent contraceptive figures. Therefore researcher is of the view that the incentive-based approach to sterilizations must end because it is easier to motivate the poor, women who fall into the prey of the motivators who in order to fulfil the fixed target given by the states use women to bear the burden of the family planning. The government bears the responsibility of providing couples with variety of contraceptive choices where preference should be for the spacing methods instead of permanent methods of birth control. Further even if a couple wants to go in for permanent sterilization then through effective health education, men should be motivated to come forward voluntarily for vasectomy because that is much safer and less traumatic.

So after taking into consideration what actually happens in sterilization camps where doctors in a barbaric and inhumane manner treat women like chattels for their recognition and rewards and violates all human rights and how the State governments fully violate the guidelines of the Supreme Court

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7 The latest data available with the Centre 2011-12 reveals a whopping 49,06,430 sterilizations being conducted in a single year across India. Of these, 47.3 lakh (over 95 per cent) involved tubectomies as against 1.75 lakh vasectomies on men.
where a limit of 30 operations per day is set, one is forced to rethink about the commitment which Indian government made when it became the member of 1994 United Nations International Conference on Population and Development (ICPD) which was held in Cairo, Egypt, where Indian government along with 178 countries made a commitment to provide women their reproductive rights and gender equality. The National Population Policy of 2000 also reflects this approach. But where are these reproductive rights and freedom? And where is the concept of gender equality when only women are forced to go for these life taking operations. These types of incidents will not stop unless and until governments and health professionals fully understand the concept of reproductive rights and the health and rights of an individual should be given utmost priority and not the goal of ‘population stabilization’.

Therefore on the basis of the study, the researcher is of the opinion that a developed and an ideal nation cannot be one where coerced sterilizations are made, abortions are restricted and restrained, but one where women have greater say in the matters relating to their sexuality, pregnancy and reproduction, and which provides the environment where any sort of restriction in the matters of pregnancies is not tolerated and is to be taken up very seriously.

No one can deny the fact that the law is enacted only to serve the need of the society so it has to keep pace with the aspirations and need of the society as well as to take into consideration the changing concepts of values. It will be in the interest of the society if people themselves decide whether to get sterilized, conceive or to have abortion without any governmental pressure. If the women are given the power to control the size of their family that will automatically lead to decline in the birth-rate which is the dire necessity of the time and there is no need for the government to intervene in personal affairs in the name of ‘population stabilization’. When India gained independence in 1947, it had a population of about 35 crores and at present the population of India is 1.27 billion and it is going to be 1.53 billion by the year 2030. Therefore, population explosion is one of the major problems

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which India is facing today. Moreover, growing population will have an adverse impact on the citizens of the nation from environmental, social, economic and political point of views also. Increasing population menace outrages the dignity of person, infringes fundamental freedom of human beings, and creates problem for the State to fulfil developmental plans for the society. Further increase in the population will add pollution to the atmosphere and will contribute to global warming. It disturbs the whole development system of the country. In such a situation all policies and goals framed by the State for development will fail. Thus, there is a dire need for reduction of population in India as compared to any other country. Therefore, both individual as well as social interests will be served if the individuals have the right to make their own reproductive choice and consequently the result would be better in the best interest of the society.³⁹

Hence, for the ideal development of the nation it is crucial that women should have an absolute right to decide whether to be pregnant or not and if they choose motherhood, how many children to have and when to have. Legal abortion is defended as a better alternative for women’s health than illegal abortion. If abortion is not legalized than it will hamper the entire development of a woman and can have adverse effect on her health. It is against her basic human right and also violates the victim’s most cherished Fundamental Rights i.e. the Right to Life which is contained in Article 21 of the Constitution of India. Therefore, the choice to bear and rear a child or not should exclusively belong to the woman concerned if Article 21 has to have any meaning for her. Now almost in every civilized nation having a sovereign power, the woman has a right to abort but not by violating the laws rather than subject to certain restrictions and safeguards.¹⁰

Analyzing Law Relating to Abortion in India

After a long struggle and through the continuous efforts of the medical professionals and social workers MTP Act was passed in India to liberalise the abortion laws. It is not meant to increase promiscuity of sex life and allow lowering of moral standards. Every adult woman should have a right to decide

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whether or not she wants to be a mother. To refuse that right is confused with morbid thinking or muddled hypocrisy on the part of society. The Act therefore, in addition to married pregnant woman, rightly enables an unmarried girl to seek an abortion if she so desires. The Act has been designed on many accountable aspects which tend to work in the direction of betterment of the interest of the mother, the family and the society. The Act is essentially enacted for rationalising and not blindly liberalise the society. Thus, there are limitations and restrictions in the newly introduced Act. It further prescribes certain specific conditions and certain specific circumstances under which abortion can be performed.\footnote{Jhala and Raju, \textit{Medical Jurisprudence} 475 (Eastern Book Co., Lucknow, 1997).}

As we have studied that according to MTP Act, 1971 pregnancy can be terminated only up to 20 weeks of gestation. It is argued that the abortion laws should be relaxed as in case of America and England where an expectant mother can abort the foetus even at 24 weeks of gestation. It is important to point out that even beyond viability, which may anywhere between 24-28 weeks; the mother can terminate the pregnancy, if there is risk to the foetus. Considering that in England and America, the termination of pregnancy is permissible even after viability if the risk to the foetus is there, therefore it can be concluded by saying that the cap of 20 weeks under MTP Act is an unreasonable restriction on the liberty of the expectant mother. Hence, there is a need to amend MTP Act as it has become old. Moreover, the main aim of the prenatal diagnosis is to prevent the birth of an abnormal child. The whole objective of prenatal diagnosis is meaningless if abortion is not allowed even when gross abnormality is confirmed.\footnote{Sarabjit Kaur, “Need to Amend Abortion Law in India” 1 \textit{JOLTI} 43-44 (2010).}

But the position in India is quite disturbing because the pre-natal diagnostic techniques, though useful for the detection of genetic or chromosomal disorders etc. are used on large scale to detect the sex of the foetus and to terminate the pregnancy, if the unborn child is found to be female. But some argue that the carrying of the foetus would depend upon the mother and the right to life contemplated in Article 21 of the Constitution also includes the right to determine the sex of the child. Prohibiting a woman
to make a choice in the matter of composition of her family, would be an infringement of her right to freedom. They argue that these matters are too personal to be invaded. Further disallowing a woman a choice in the matter would mean multiple pregnancies. She will go on producing children till she gets her choice. If unwanted girls go on increasing, they will be ill-treated and exploited. A legal ban would also give impetus to the unholy practice because doctors would be under threat. Hence, the cost of the test would increase. Those able to afford will get the test and abortion done at hygienically safe and well equipped places while others, who are not able to afford, shall suffer. But this is not the sound argument as this practice reflects the fundamental devaluation of women.

Hence it is submitted that there is no denial to the fact that right to abortion should be given but this right should not be at the cost of female foeticide. The right to personal liberty cannot be expanded by any stretch of imagination to prohibit coming into existence a female foetus or male foetus which shall be for the nature to decide. Right to bring into existence a life in future with a choice to determine the sex of that life cannot in itself be right. Hence, it can be argued that the right to abortion is essential to a woman to ensure her control over her reproductive process but the decision as to whether she wants the child or not must be taken regardless of the sex of the unborn. As the child sex ratio may badly upset the gender equilibrium in society. Lesser number of female children is going to create many new problems, which may defy solution. So it is submitted that the mother can do much to curb this practice by introspecting herself if her mother would have thought so then she might not be here. Those mothers should think whether they want to develop the lineage of their family or wipe out the whole generation. Goddess do not live in heaven but they are within our body or in true sense inside the mother’s womb.

The problem does not appear to have a solution in the near future till the government continues to shy away from sensitive issues that surround

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abortion; then couples will continue to find themselves in the same quandary. Political will has a major role to play in curbing the problem. Rather than seeing abortion as a problem, stress should be given on its origin, with awareness programmes on safe sex, use of contraceptives and dispersal of emergency contraceptive pills by the government. Medical facilities also need enhancement to reduce the cases of unsafe abortions and high MMR and IMR. The government can work in cooperation with the organisation such as the United Nations to bring about qualitative changes similar to cooperation during its combat against drug abuse.\textsuperscript{15}

Another issue which needs some consideration is about artificial reproductive techniques. As we have discussed that fundamental right to reproductive autonomy encompasses not only the right to avoid reproduction, but also the right to reproduce with the assistance of technology. An analysis of judicial decisions under Article 21 of the Constitution of India reveals that the right encompasses a right to life with dignity and liberty. Right to have a family and offspring can be easily read into Article 21. Even the right to choose the method of reproduction also can be read as part of liberties guaranteed by Article 21. What needs to be taken care of is that this liberty should not be used for the exploitation and violation of other's rights. Therefore, in a liberal democracy which believes in the rights of individuals, new technologies and mode of reproduction should be permitted unless there is evidence that liberty is being used for the exploitation and violation of rights of others.\textsuperscript{16}

So, it can be concluded that there needs to be a balanced approach on the part of law. It should not only act as a regulator but as a facilitator to the scientific developments. It is, however, equally important to ensure that while facilitating the scientific developments the basic tenets of law and the basic human values on which the whole concept of human right relies is not compromised. No doubt, control over one’s body is an essential part of being an individual with rights and needs but at the same time it is problematic as it involves moral questions about when, under what conditions reproductive

\textsuperscript{15} Supra note 5.

decisions should be made or whether it is permissible to use contraceptives to avoid conception etc. Equally problematic is the issue of abortion. There are certain areas where complete freedom is not possible and it is justified to impose certain restrictions on its exercise. So it is the duty of society, medical professionals, and social workers to evaluate the pros and cons of reproductive freedom and to decide whether and to what extent restrictions should be imposed on the exercise of reproductive freedom. For instance cloning poses a great threat to the society and its risk outweigh the benefit, so it should not be permitted at any cost. Similarly sex selective abortions should not be permitted as the cost of humanity which would outweigh its benefits. Otherwise reproductive freedom is beneficial to all whether men, women or children and is ethically justifiable.\textsuperscript{17}

Taking this thing into consideration, the human rights of women of all kinds have been recognized globally and also by the domestic constitutions and organic laws. The judiciary too attempted to play an important role by recognizing and protecting their rights especially human rights. But in reality the picture is the same as earlier with a minute change only. So the need of the hour is that the human rights contribution would be made through establishing standards, implementing these standards and giving publicity to them. The Government must plan some programmes to enable the people to live with dignity and respect; improve moral and social values of the people and create a sense of realization of the human rights in the minds of the people that the people themselves realize about their maintenance and abstain from violations of human right.

From the above discussion it is seen that our assumptions are proved to be correct and thus the hypothesis so formulated is accepted to be true. On the basis of the problems and gaps identified in the study, the researcher hereby suggests some measures to protect and promote reproductive freedom.

\textsuperscript{17} Alexander Sanger, \textit{Beyond Choice: Reproductive Freedom in the 21\textsuperscript{st} Century} 84 (Public Affairs, New York, 2004).
Suggestions

1. **The Right to Marry and to Found a Family**\(^{18}\)

   - There should not be any restriction by the state on the right to marry on racial, religious and other discriminatory grounds. Any marriage impediment, whether temporary or permanent, could be considered as a violation of the right.

   - Any branch of the Government whether legislature, executives or judiciary must not interfere with a person’s choice to have a child as well or not to have any child at all. Government must not prescribe in any form the compulsory use of contraceptives, neither ban nor severely restrict the availability and accessibility of contraceptive measures.

2. **The Right to decide Freely and Responsibly on the Number and Spacing of Children**

   Governments should not interfere in a person’s decisions with regard to the number of the children desired and the respective gap between them. Further it should not prescribe or determined number of children per family. A government would be held accountable for breach of its obligations if, for example, care facilities, health subsidies, maternity leave and access to land in rural areas are conditioned by compliance with the state-imposed restrictions on the number of children. Availability of contraceptives should be guaranteed to the whole population in order to make it possible for individuals to exercise the right to responsible parenthood consciously.\(^{19}\)

3. **Prohibition on Child Marriages and need to Amend the Act**

   Government should take all requisite steps to eradicate the menace of child marriages and strictly enforce laws that prohibit child marriages. Although there is legislation for prohibiting child marriages but in reality this legislation is not accepted in letter and spirit as there is very slow decline in the child marriage and there is a need to amend the present Act along with


\(^{19}\) Ibid at 506-507.
Hindu Marriage Act 1955 which renders the child marriage valid and not void. No one can deny the fact that the girls who marry in tender age get pregnant early and more so have more children and at shorter intervals (which can adversely affect their health and they are deprived of the Right to Education also) than the ones who marry later. There is a need to have uniform age for bride and bride groom as at present Prohibition of Child Marriage Act lays down the minimum but different ages of marriage for both the parties which is discriminatory for the girl. Further there is a requirement of free and informed consent of both the parties and all marriages should be compulsorily registered. And if any of the above conditions are not fulfilled then the marriage should be rendered null and void.

4. **Prohibition on Polygamy**

The government should not allow polygamous marriages at any cost and should take necessary steps to eradicate it. If bigamy is allowed then there cannot be gender equality and which can impair women’s reproductive freedom as it is permissible in Muslim Law that male Muslim can have four wives at a time. There should be uniformity in marriage laws of all the religions and registration of marriages should be made compulsory.

5. **Free Access to Contraceptives**

Contraceptives play an indispensable place in the sexual life of an individual. Further the spread of AIDS has given a great boost for using contraceptives. As there is a well said phrase i.e. “prevention is better than cure”, therefore, in order to avoid abortion it is better to use the contraceptives. Now days there are variety of contraceptives available which can prevent pregnancy effectively like female and male sterilization, contraceptives, condoms, cervical caps, IUCDs etc. But unfortunately people are not aware of these methods so it is suggested that the state should play a positive role by providing easy access to contraceptives.

Further it is the duty of the medical practitioners to counsel all patients coming for MTP about the use of contraception. It should be emphasized that contraception use is much safer than abortion. The use of emergency contraception by women should be encouraged in time of
contraceptive failure or accidents.

6. **Abortion should be allowed if the Child is to be Born with Deformity**

   It is rightly said that health is wealth. If the normal person does not have good health, all the beauties of life fade away for him. If this is the position for a normal person, obviously, one should not talk of the miserable life of the person born with serious abnormalities. As “life” in Article 21 of the Constitution has been interpreted by the Supreme Court as “living with dignity.” If a person cannot lead a dignified life and his life is equivalent to life of a helpless creature, then it is better not to give birth to such a helpless child who will have to depend throughout his life on others. From the parent’s perspective, if the couple belongs to a middle class family and is not able to bear the special expenditure on the treatment of such a child, then the question is whether the expenditure would be provided by the State or not. To have such a child in the family means that one adult at least has to be totally devoted to that child foregoing his ambitions and aspirations in life to look after the child. Who is going to look after the child after the death of the parents? If the State cannot take care of such child and he is left to die on streets then it is better option to abort the unborn. Further as social support and public funding is not provided by the State to look after special children, the law cannot command the individuals to give birth to abnormal children.  

7. **Amendment in Medical Termination of Pregnancy Act, 1971**

   There is a need to amend MTP Act as it is perceived as a means of population control rather than increasing the reproductive choices. So there is a need to alter the provisions to prevent its misuse and to ensure that it enhances and not reduces women’s reproductive freedom. Further the discrimination of unmarried and married women should be dispensed with. Contraceptive failure as a ground for terminating pregnancy must be recognized for all women whether they are married or not. More so, uniform fees should be prescribed for terminating the pregnancy in every hospital whether it is government or private.

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8. **Amendment in the Provisions of Indian Penal Code**

There is a need to amend some provisions of Indian Penal Code. For instance, Section 312, IPC should be suitably amended in terms of the MTP Act, 1971 to include all the grounds on account of which a pregnancy can now be terminated by a registered medical practitioner. Further there is a need to amend the exception of Section 375 of the Indian Penal Code, 1860 which legalizes sexual intercourse by husband with his wife if the wife is above 15 years. Even though there is an amendment in IPC by Criminal Law amendment Act, 2013 but still this provision is not amended. So this section of IPC indirectly boosts child marriages.

9. **Measures to tackle Female Foeticide**

- Government can play very important role in the eradication of the practice of female foeticide. The government should give incentives to a girl child by imparting free education, extra ration, more so tax concession for the parents of girl children. This is perhaps the most effective way rather than the sting operations. Furthermore, the countries like India where both the problem of increasing population and female foeticide are there the best solution is that the single girl child should be made a separate category just like other reservations like in the case of SC’s and ST’s.

- The Dowry Prohibition Act should be implemented in its true spirit. Strict action should be taken against the violators in case of dowry harassment.

- There should be a specific law which provides social security for old people so that there should not be any kind of dependence on their sons for financial support.

- The use of technology which makes it possible for couples to determine the sex of the foetus and thereby to terminate the pregnancy should be prohibited by domestic law.

- No unnecessary restrictions should be imposed on the private clinics like requirement of registration, sending of records every month etc.
In India it is the private sector which is a major source for providing health services. These restrictions will either force them not to get their clinics registered and hence the abortion will be done through the back door for a hefty amount or the same is refused. This deprives the woman from getting advanced services from the private sector.

- The extent of laws on female foeticide should be strengthened without affecting women’s rights over reproduction in any manner and the considerations of population control. Norms and standards should be framed which allow women free access to pre-conception and pre-natal sex-determination for medical reasons.21

10. Pre and Post Natal Care

It is recognised that health of a child starts in the pre-natal life. Pre-natal care includes screening all mothers for high risk pregnancies for referral and special care identifications and treatment of severely malnourished mothers, distribution of iron and folic acid to all pregnant mothers in the last 100 days of pregnancy to combat anaemia, education for health personal hygiene, nutrition, immunization, fertility regulations and regular check-ups at the home and clinics for monitoring maternal health and foetal growth. Therefore, mother’s health not only during pregnancy but even before she conceives, must be protected so as to ensure safe delivery and healthy children. Equally important is Post-natal care which is usually conducted on the same day as the care for infants. About six weeks after delivery the mother should be seen by the doctors who will examine her to ascertain that she has returned to normal health. This would also be the occasion to give advice on the spacing of future pregnancy.22

11. Sex Education

It is suggested that sex education should be imparted to school students in all the schools. There is a need to organize various workshops and seminars in order to impart sex education where open discussions, without any hesitation, are made about this controversial issue. The main aim of sex

education is to impart knowledge about HIV/AIDS and to promote awareness about safe-sex practices and sexually transmitted disease. It is evident that sex knowledge is more important than knowledge of laws.

12. **Role of Media**

Media can play a crucial role in providing reproductive health services. As they can pressurize the government to frame certain policies which are for the benefit of individuals. But unfortunately they continue to shirk away from the health related issues. They can highlight the matters where there is gross violation of human rights in reproductive matters and can provide information related to health services to those who need them and further they can act as a mediator between the government and the people.

13. **Role of Medical Practitioners**

Medical Profession is the most noble and respectable profession in the society. So it is an ethical duty of doctors not to perform the services which are having adverse effect on the health of the patients and to prevent their patients from accessing those services to which they are not legally entitled to. Medical study must inculcate ethics, gender sensitivity and accountability in doctors. It is the duty of the medical practitioners to impose self-regulations to ensure that they should not indulge in unethical and unlawful practices.

14. **Role of NGO’s and Judiciary**

Furthermore, NGOs and voluntary organisations should be encouraged to undertake projects to educate people about the plausible consequences of unsafe sex and abortion. They should tell and guide the women, children and persons living with HIV/ AIDS, persons with disabilities, refugees about their rights and how to protect them. For many women information probably would not give them the opportunity to make a different choice as their economic situation and the general infrastructure do not permit it. But for others (even if they are only a few) such an information can make a difference to their lives and possibly prevent unsafe abortions resulting in increased morbidity and mortality. The participation of Judiciary and National Human Rights Institutions is also an important step in that direction. The need is for the
Judiciary and National Human Rights Institution to be proactive and not merely reactive. Public opinion and strong alliances and partnerships with NGO’s and the Human rights activists provide excellent mechanism for influencing the national agenda on Human Rights.23

15. Regulation of Sterilisation especially in Camps

The government should not promote compulsory sterilization in order to control population as majority of the individuals who undergo these surgeries are poor women who have to undergo tubectomy in order to control population. This is the worst form of human right violation as in female sterilization camps females are treated as chattels and doctors perform the operations in haste and in unhygienic conditions without bothering about the health of the women and leave them behind in immense pain after the surgeries only to achieve the requisite target allotted to them by the States. So sterilisation should be legally regulated and legal norms should be set which includes proper medical infrastructure and adequate number of medical professionals to conduct surgeries with the consent of the person concerned after various tests which are required be conducted before the operation to know whether the women are fit to undertake that procedure or not, disclosing the risks involved in the procedure. And it is absolutely necessary to acquire sterilized equipment for safe sterilization. No camps should be held without the prior permission of the civil surgeon and he should give his consent only when these conditions are fulfilled and by instructing the organizations which are organizing such camps to maintain proper hygiene and provide post-operative care. Further the victims of forced sterilization should be granted compensation and the guilty should be punished.

16. Uniformity in Abortion Law throughout the World

It is suggested that abortion law should be uniform everywhere. At present every country is having different abortion law and it lacks uniformity. Some countries are having conservative approach, some are having liberal or limited approach and in some countries there is complete freedom to choose. Hence, in order to have abortion it depends on the place where the person is

residing. If the person happens to be in the place where abortion is legalized she will be lucky but if she happens to be in the place where there are religious or ethical bars with regard to abortion then she would be unfortunate enough. Hence, there should be some international standards and every country should comply with those standards.

In spite of the various legislative provisions and through the efforts of judiciary there is a little change in the fate of the woman but still they are the sufferers. There is a dire necessity for effective legislation to enhance reproductive freedom. However, with the background of prevailing human right violations and atrocities practiced against women, the legislature has to fill the gap by enacting specific legislation to empower a woman by enhancing reproductive freedom of an individual. It is incumbent upon the legislature to protect women and their rights and the court has the responsibility of ensuring the same.
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