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Pro-Life vs Pro-Choice: Nurturing Life or Embracing Choice - The Great Indian Conundrum!

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Pro-life vs pro-choice is a divisive topic globally, and India is no different. Different points of view on the subject of abortion are at the center of the pro-life vs pro-choice argument. The pro-choice viewpoint emphasizes that women have the right to decide regarding their physical being, which includes deciding to have an abortion, whereas the pro-life position advocates for the safeguarding of the unborn fetus, believing that it has intrinsic rights to life. This article aims to examine the issues and points of view surrounding the discussion within the Indian setting. India is a diverse country with various religious beliefs, including Hinduism, Islam, Christianity, Sikhism, etc., and all these religions have different perspectives on the sanctity of life and the moral status of the unborn fetus. Culturally, India places significant value on the family unit and often emphasizes the importance of children as a source of joy and continuity. So, the discussion surrounding abortion in India is complex and multifaceted, encompassing distinctive cultural, religious, and legal dimensions. Therefore, assessing the Indian viewpoint and diverse perspectives on abortion is essential.

Keywords: *pro-life, pro-choice, abortion, ethics, religion, culture, freedom.*

INTRODUCTION

The pro-life vs pro-choice argument continues to be raging for at least two millennia.¹ Anyone who considers themselves ‘pro-life’ holds the view that all people, both born and unborn, possess an inherent right to life. With only a few exemptions, an exhaustive pro-life philosophy forbids abortion, euthanasia, assisted suicide, etc.² People who consider themselves ‘pro-choice’, on the contrary, think that people have unrestricted liberty over whether or not to give birth to a child they have conceived and to have an abortion if they don’t. An exhaustive pro-choice stance maintains that things, including contraceptives, abortion, childbirth, etc., must all remain lawful.³

Although the discussion between pro-life and pro-choice touches on several issues, abortion is at the center of it, and this will be covered in this article. The term ‘induced abortion’ now refers to a premature delivery that is intentionally obtained to kill the fetus. It can be acquired at any point before the child is born naturally. The ‘pro-life’ viewpoint and the ‘pro-choice’ stance are now the two main perspectives on the ethical question of abortion. Induced abortions are ethically inadmissible or morally evil and forbidden, according to the basic pro-life stance. The core pro-choice tenet is that induced abortions are morally acceptable (i.e. not morally wrong, but morally allowed).⁴

The heartfelt and deeply emotional debate between pro-life and pro-choice advocates centers on divergent perspectives on the moral, ethical, and legal aspects of abortion. On this complex issue, individuals hold intense emotions and ideologies on both sides of the debate. Pro-life activists believe that all life, which includes the life of an unborn fetus, should be protected and valued. Since they believe that life begins at conception, they view abortion as being identical to

¹ Daniel K Williams, ‘The Pro-Life Movement: A History’ (2022) University of Notre Dame <https://mcgrath.nd.edu/assets/458944/the_pro_life_movement_a_history.pdf> accessed 20 June 2023

² ‘What does it mean to be pro-life?’ (*Knowledge Base*) <<https://righttolife.org.uk/knowledgebase/what-does-it-mean-to-be-pro-life>> accessed 21 June 2023

³ Linacre Q, ‘Contraception and Abortion: Fruits of the same rotten tree?’ (2015) 82(2) *National Library for Medicine* <<https://doi.org/10.1179%2F2050854914Y.0000000035>> accessed 22 June 2023

⁴ ‘Abortion’ (*University of Missouri*) <<https://medicine.missouri.edu/centers-institutes-labs/health-ethics/faq/abortion>> accessed 22 June 2023

the murder of a person⁵. Pro-lifers usually emphasize the rights and preferences of the unborn child while focusing on the moral and ethical implications of abortion. However, the pro-choice movement argues that women possess the legal ability to make decisions about their reproductive and physical health. They stress the importance of a woman's bodily independence and argue that she should have the freedom to choose whether or not to continue a pregnancy. The risks and unfavorable outcomes of restricting the availability of safe and legal abortion, including increased rates of mortality among mothers and unsafe abortions, are commonly highlighted by proponents of abortion rights. 97% of unsafe abortions, or about 45% of all abortions, occur in underdeveloped nations causing maternal fatalities and morbidities, which are also preventable. It may result in issues with women's physical and mental health.⁶ The pro-life vs pro-choice debate covers a wide range of complex issues, including women's rights, ethical and religious principles, healthcare challenges, societal standards, and legal frameworks. Due to the various thoughts and viewpoints, reaching a consensus or an outcome can be challenging. Respectful, open dialogue that considers the varied thoughts and opinions of people on each side is essential to create consciousness and maybe discover areas for acceptance or compromise. In this article, Section II explains the historical and cultural context of abortion, with a focus on India. It also looks at how cultural and religious beliefs play a significant role in shaping attitudes toward it. Section III provides a look on look on the key milestones related to abortion laws in India and helps us understand the legal framework of abortion laws in India. Now, Section IV presents the pro-life perspective, while Section V presents the pro-choice perspective. The article concludes with suggestions and recommendations on the pro-life vs pro-choice debate from an Indian perspective while considering various social, cultural, religious, economic, and legal aspects.

⁵ Kate Greasely, 'Abortion as Justified Homicide' (2017) Oxford Academic
<<https://doi.org/10.1093/acprof:oso/9780198766780.003.0004>> accessed 23 June 2023

⁶ 'Abortion' (World Health Organization, 25 November 2021) <<https://www.who.int/news-room/fact-sheets/detail/abortion>> accessed 23 June 2023

HISTORICAL AND CULTURAL CONTEXT

India has an extensive history of abortion, probably as old as the Indian civilization,⁷ and opinions regarding it are greatly influenced by cultural and religious beliefs. Understanding the history of this subject would help us better appreciate how attitudes toward abortion have changed through time. In addition, learning more about the impact of Hinduism, Islam, Christianity, and other religions in India will help one comprehend the moral and ethical issues surrounding abortion.

India's history concerning abortion laws is characterized by a slow transition from rigid rules to a somewhat liberal and inclusive philosophy. As the public's views have changed and the reproductive liberties of women have come to be more widely acknowledged, the legal framework governing abortion has witnessed considerable modifications throughout time.

Abortion is viewed differently in Indian society due to the complicated interaction of cultural and religious beliefs. These elements influence opinions regarding abortion, which can range over diverse geographic areas, social groups, and religious traditions. Let's look at how cultural and religious beliefs affect how abortion is seen in Indian society:

Cultural Beliefs:

Indian culture frequently places a high value on reproduction and maintaining family ancestry. An abortion taboo may result from the idea that producing offspring is necessary for stability in the family and community standards. Traditional cultural beliefs encourage favoritism for boys over girls, which is particularly common in some areas and groups. This may affect how people feel about abortion since a few households may choose to abort female fetuses because they feel pressured by society or want a male successor. Social customs and moral principles play an important part in determining opinions on abortion. Abortion may be viewed as morally or socially objectionable by some people due to conventional beliefs about sexuality, families, and women's duties.

Religious Beliefs:

⁷ Raj Pal Mohan, *Abortion In India* (1975) 141

Because they frequently offer ethical and moral frameworks for their adherents, religions have a huge impact on how people feel about abortion. Abortion is viewed differently in various religious traditions, and these viewpoints can affect people's opinions and mindsets both individually and collectively. India is a nation that is home to nearly all of the world's main religions, including Hinduism, Islam, Christianity, Buddhism, and others.⁸ Now, we need to examine how all these religions have influenced opinions toward abortion:

Hinduism: Hinduism comprises a wide variety of beliefs and practices because it is an intricate and diversified religion. The majority of Hindus hold the belief that although one may enter bodies at birth and exit at death, existence itself does not actually start or end. Instead, every minute spent in the human body is viewed as a part of an endless cycle of life, which makes the argument of when life begins very different from that of other religions.⁹ Abortion is not specifically addressed in Hindu scriptures, and opinions on the subject vary widely. Hinduism's attitudes toward abortion might differ based on factors like caste, location, and personal beliefs. Some Hindus may view the ahimsa (non-violence) tenet as opposing abortion since they see it as the taking of a life. Others may place more emphasis on the idea of dharma (responsibility) and permit abortion in specific situations, for instance, when the life or wellness of the mother is in danger due to the pregnancy, rape or incest.¹⁰

Islam: Interpretations of Sharia (Islamic law) have an impact on Islamic attitudes towards abortion. Islam emphasizes the sacredness of life; however, different communities and scholars have different opinions on abortion. In general, it is acknowledged that there are few instances where an abortion may be legal, such as whenever the life of the mother is in danger. The sacredness of life is emphasized in Islamic teachings, and abortion is seen as a major issue. According to the overwhelming opinion, abortion is never legal unless the mother's life or health

⁸ Dr. Tejasha Kalita, 'Religious and Cultural Influences on Abortion: A Care-ethical Discussion' (2018) 4 JOLRC <http://dlkhsou.inflibnet.ac.in/bitstream/123456789/704/1/6_2018.pdf> accessed 22 June 2023

⁹ Samira Mehta, 'There is no one 'religious view' on abortion: A scholar of religion, gender and sexuality explains' (University of Colorado Boulder, 24 June 2022) <<https://www.colorado.edu/asmagazine/2022/06/24/there-no-one-religious-view-abortion-scholar-religion-gender-and-sexuality-explains>> accessed 22 June 2023

¹⁰ Dr. Koyel Koley, 'Hinduism and Abortion: A Traditional View' (2018) IJCRT 6(2) <ijcrt.org/papers/IJCRT1892016.pdf> accessed 25 June 2023

is in danger. While some academics support stricter limits, others support abortion within a specific time range (often as long as 120 days of gestation).¹¹

Christianity: Many people view the Judaic-Christian legacy of Western culture to be a significant impact on perceptions toward and behaviours related to abortion. Diverse Christian faiths have diverse views on abortion in India. A few conservative Christian organizations view abortion as ethically reprehensible because they believe in the sacredness of life. Other Christian churches, on the other hand, might adopt more nuanced stances, taking into account things like the mother's health or fetal abnormalities. Some Christian religions, such as Roman Catholicism and some conservative Protestant organizations, proclaim the sanctity of life from conception and generally view abortion as morally immoral. As they take into account things like the woman's health, fetal abnormalities, or incidents of rape or incest, other Christian denominations may have more complex opinions.

Other Religious and Cultural Beliefs: Buddhist teachings on abortion promote kindness and peacemaking, although they do not take a united position. Buddhist viewpoints may be influenced by regional differences and cultural factors. Sikhism has a strong emphasis on the importance of human life and typically opposes abortion barring serious medical emergencies. The majority of Sikhs agree that life starts at conception.¹² Their opinions regarding abortion might also be influenced by geographical and cultural variables. Due to the influence of its cultural and spiritual traditions, India's indigenous religious beliefs and practices frequently have a variety of opinions on abortion.

It is crucial to understand that there are many different interpretations and practices within societies and that cultural and religious beliefs are not universal. Additionally, societal views, legal frameworks, and elements like socioeconomic level and education can all affect how cultural and religious ideas about abortion appear in Indian society.

¹¹ Dalia Hatuqa, 'US Muslim advocates weigh in on abortion rights battle' *Al Jazeera* (26 January 2022) <[https://www.bing.com/search?q=Dalia+Hatuqa%2C+'US+Muslim+advocates+weigh+in+on+abortion+rights+battle'+Al+Jazeera+\(Washington+DC%2C+26+January+2022\)&cvid=0e170352ce7544679cf63cd340b40b13&aqs=e_dge..69i57.267j0j4&FORM=ANAB01&PC=DCTS](https://www.bing.com/search?q=Dalia+Hatuqa%2C+'US+Muslim+advocates+weigh+in+on+abortion+rights+battle'+Al+Jazeera+(Washington+DC%2C+26+January+2022)&cvid=0e170352ce7544679cf63cd340b40b13&aqs=e_dge..69i57.267j0j4&FORM=ANAB01&PC=DCTS)> accessed 25 June 2023

¹² 'Sikhism and Abortion' *BBC* (27 October 2009) <<https://www.bbc.co.uk/religion/religions/sikhism/sikhethics/abortion.shtml>> accessed 25 June 2023

Therefore, cultural and religious views have a significant impact on how abortion is perceived in Indian society. Perceptions towards abortion are influenced by cultural standards surrounding reproduction, gender bias, and morality. The moral and ethical frameworks provided by religious teachings, including those of Hinduism, Islam, Christianity, and other traditions, shape attitudes towards the sacredness of life and the conditions under which abortion may be justified. Realizing how cultural and religious influences interact is essential for having important discussions about abortion and fostering respectful and educated debate on this delicate and nuanced subject.

LEGAL FRAMEWORK

The Medical Termination of Pregnancy Act 1971 (referred to as the 'MTP Act' or 'Act') regulates abortion in India. But first, let's look at the major turning points in Indian abortion legislation, which will help us comprehend the legal framework of the country's abortion laws:

IPC (Indian Penal Code) 1860: To take into account the religious, moral, social, and ethical basis of the Indian community, the Indian Penal Code, which is the country's fundamental criminal law, was enacted in 1860 during British colonial control. Sections 312 to 316 of the code make induced abortion a crime. According to Section 312,¹³ along with the Code of Criminal Procedure, 1973, abortion is a crime; intentionally inducing a miscarriage was punished by imprisonment of up to 3 years, a monetary fine, or both. The sole instance where an exemption was allowed was if the surgery was performed to protect the woman's life. It is significant to notice that section 312, which refers to an unlawful termination of pregnancy, was meticulously drafted without using the term 'abortion'.

Medical Termination of Pregnancy (MTP) Act 1971: The MTP Act was passed by the Indian government in 1971 after it became clear that dangerous and unlawful abortions needed to be addressed. This Act established criteria for a secure and authorized termination of pregnancies as well as legalized abortions under certain strict circumstances. The MTP Act outlines the circumstances in which an abortion is lawful, including things like the fetus' gestational age and

¹³ Indian Penal Code 1860, s 312

the woman's health.¹⁴ The Act also specifies the conditions and qualifications for medical professionals who are permitted to perform abortions.¹⁵ It specifies the licensed medical experts who can lawfully perform abortions, including doctors, gynecologists, and other medical specialists. As per Section 5¹⁶ of the act, the opinion of two registered medical practitioners is required for the termination of pregnancy. However, its constitutionality was challenged in *Dr. Nikhil Dattar v Union of India*,¹⁷ where The Supreme Court of India held that the provision was arbitrary and violated a woman's right to privacy and dignity. It emphasized the need to ensure safe and accessible abortion services.

No pregnancy should be terminated elsewhere apart from a hospital or a location that the government has now approved for this Act's purposes.

It emphasizes how crucial it is to get the pregnant woman's informed consent before performing an abortion. Additionally, it forbids revealing a woman's identity without permission and guarantees the privacy of her decision to have an abortion. Therefore, up to 20 weeks of gestation, abortion was legal under the MTP Act for several conditions, such as dangers to the woman's psychological or physical well-being, the presence of fetal deviations, and failure of contraceptives.

Expansion of Abortion Rights - Amendments: The MTP Act has undergone several revisions throughout time to increase the availability of secure and authorized abortions in India:

- **Amendment in 2002:** There are now more abortion services available because of an amendment to the MTP Act that allows various kinds of medical professionals to carry out specific types of abortions.
- **Amendment in 2003:** In instances in which there had been a significant risk to the woman's well-being or if there was a chance of serious fetal abnormalities, the upper gestational limit for abortion was raised from 20 weeks to 24 weeks. For instance, in *Ms.*

¹⁴ Medical Termination of Pregnancy Act 1971, s 3

¹⁵ Medical Termination of Pregnancy Act 1971, s 4

¹⁶ Medical Termination of Pregnancy Act 1971, s 5

¹⁷ *Dr. Nikhil Dattar v Union of India* (2008) 110 Bom LR 3293

X v Union of India,¹⁸ a 35-year-old woman, due to fetal abnormalities, got the 20-week limit extended through the Supreme Court of India.

Recent Developments: More MTP Act modifications have been demanded over the past few years to give women more autonomy and reproductive rights:

- **Proposed Amendment in 2020:** A recommended modification to the MTP Act by the Ministry of Health and Family Welfare will increase the availability of secure abortions by enabling women to terminate pregnancies up to 24 weeks without seeking advice from several doctors.
- **Proposed Amendment in 2020:** To change the MTP Act, the government presented the Medical Termination of Pregnancy (Amendment) Bill 2020 in the Rajya Sabha. The suggested changes included raising the maximum gestational age to 24 weeks for all women and eliminating the need for the approval of several doctors for pregnancies up to 20 weeks to enhance access to legal and secure abortions.

As a result, India's history concerning abortion laws shows a progression from strict rules to acknowledging women's reproductive rights and enhancing the availability of legal and secure abortions. An important turning point was reached in 1971 with the passage of the MTP Act, which made abortions lawful under certain situations. Later modifications sought to improve access, including more types of healthcare professionals, and increase the gestational limit in some circumstances. Recent amendment proposals show a persistent attempt to uphold women's rights in terms of reproductive healthcare and promote reproductive autonomy. It is significant to keep in mind that due to differences in the laws and regulations governing healthcare, the legal system could vary between the various Indian states. The MTP Act, however, offers India's comprehensive legal structure for abortion services.

PRO-LIFE PERSPECTIVE

Anyone who considers themselves 'pro-life' holds the view that all people, both born and unborn, possess an inherent right to life. With only a few exemptions, an exhaustive pro-life

¹⁸ *Ms X v Union of India* (2017) SCC OnLine SC 1906

philosophy forbids abortion, euthanasia, assisted suicide, etc.¹⁹ It is regarded as conservative when the pro-life ethic clashes with individual freedom, as in the examples of abortion and assisted suicide. The pro-life ethic is considered liberal when it opposes governmental regulations, such as death row and warfare. Pro-lifers oppose abortion and hold that since life starts at conception, the fetus should be treated as a living being having the same rights to life as everyone else. They believe that the development of a human being begins with fertilization, a process that gives rise to a new organism, the zygote,²⁰ and since they believe that life begins at conception, they view abortion as being identical to the murder of a person.²¹ Abortion is a clear violation of the sacredness of human life and the rule that no member of a civilized community may do injury to or terminate the life of another. Moral, theological, and ethical justifications are frequently the foundation of pro-life activists' arguments. They claim that because abortion entails the deliberate ending of human life, it is ethically immoral. Adoption, in their opinion, is the best solution for an unwanted kid, especially because so many parents who are childless desire to adopt.²² They feel that abortion harms the unborn child, who wasn't responsible for a crime, in cases of rape, incest, etc. Their fundamental tenet is that, for women who desire full authority over their bodies, this authority should extend to reducing the risk of unintended pregnancy through appropriate contraceptive usage or, in the case that that is not an option, through self-discipline. Abortion shouldn't be used as a secondary method of contraception, to put it briefly. ²³A robust society of people who approach political topics from the perspective that every human life is precious has emerged as a result of the pro-life movement. Your existence is important whether you happen to be a preborn child, a newborn, an old person, or a person with special needs. Basic human rights are yours if you are a person. The worth and dignity of every human being are at the heart of the pro-life movement. The implications of the MTP Act must be assessed from the perspective of shifting social conditions,

¹⁹ *Ibid*

²⁰ Jan Langman, *Medical Embryology* (3rd edn, Baltimore Williams and Wilkins 1975)

²¹ *Ibid*

²² Sarah Hae-In Idzik, 'Less Abortion, More Adoption: A Brief Discursive History of Adoption as Solution' (2022) 10(2) The Ohio State University Press <<https://muse.jhu.edu/article/881473>> accessed 25 June 2023

²³ Linda Lowen, 'Key Arguments From Both Sides of the Abortion Debate' (*Thought Co*, 23 January 2020) <<http://womensissues.about.com/od/reproductiverights/a/AbortionArgumen.htm>> accessed 25 June 2023

values, and attitudes in India, a country with significant social baggage added to by societal evils like illiteracy and poverty. In their most basic form, the societal effects of the MTP Act can be divided into two categories: abortion in young women who are not married and abortion in older women who are married. The meanings of these two are very dissimilar. In the MTP Act, a married woman is not viewed as having a stigma in society, while unmarried girls find it difficult to fit in.

The concept of passing laws that would reconcile the ethical and legal perspectives emerged from the long-running global ethical discussion regarding the legal position of preventing unplanned pregnancies. Despite legal and legislative oversight, there are still ethical disputes in India about the medical abortion of pregnancies. Even if a lot of people today think that medically ending a pregnancy is immoral, women nevertheless have the freedom to do so. Regarding social stigma, the Supreme Court ruled in *Suman Kapur v Sudhir Kapur*²⁴ that a woman's having an abortion despite her husband's agreement constitutes mental cruelty and is a cause for divorce.

Given the variety of opinions on the subject, we must examine some of the main justifications offered by pro-life idealists that are opposed to India's legalization of abortion. The right to life, according to rivals, ought to be stretched to unborn fetuses, who are seen as distinct people who have their rights. They consider that abortion violates the unborn child's right to life when it ends a pregnancy. Abortion is ethically repugnant, according to some people's strong religious or ethical convictions. They contend that conception marks the beginning of human life and that, under any circumstances, deliberately terminating a pregnancy constitutes killing someone's life.

Abortion is inappropriate to use as a last choice, according to critics; adoption and other solutions should be promoted. They consider that there are potential parents who are prepared to give unwanted kids a loving environment and that abortion is not the sole option. The possible hazards to one's mental and physical well-being linked with the process are a concern of many who oppose legalizing abortion. They contend that having an abortion might cause a

²⁴ *Suman Kapur v Sudhir Kapur* (2009) SC 589

woman's bodily health to suffer, such as infections, infertility, or harm to her reproductive organs.²⁵ Unlimited availability of abortion, according to some opponents, may lead to abortions based on sex, distort the gender ratio, and maintain discrimination based on gender in society.²⁶ They contend that stringent abortion restrictions can aid in the suppression of such activities. It's crucial to remember that these arguments don't necessarily represent the views of all people or organizations and instead illustrate the positions of those who reject the legalization of abortion. The continuous discussions about abortion's legality are complicated, and several elements, such as societal values, cultural conventions, and personal opinions, play a role.

PRO-CHOICE PERSPECTIVE

People who consider themselves 'pro-choice', on the contrary, think that people have unrestricted liberty over whether or not to give birth to a child they have conceived and to have an abortion if they don't.²⁷ An exhaustive pro-choice stance maintains that things, including contraceptives, abortion, childbirth, etc., must all remain lawful.²⁸ Some Americans mistakenly believe that the pro-choice stance means 'pro-abortion', but this is untrue. The pro-choice movement aims to maintain the legality of all options. A woman's autonomy and the capacity to make decisions regarding her reproductive health are highlighted by the pro-choice perspective. As it directly affects their lives, bodies, and futures, pro-choice supporters contend that women must be able to decide whether to keep or end a pregnancy.²⁹ They argue that limiting or outright prohibiting the availability of abortion can result in risky, unlawful practices that put women's lives in peril. The bar for physical independence, which is linked to reproductive freedom, was raised by the 2017 ruling in *Justice K.S. Puttaswamy v Union of India*.³⁰ Arguably the most significant case has been *Justice K.S. Puttaswamy v Union of India*,

²⁵ 'Women's Right to Know' (Louisiana Department of Health) <<https://ldh.la.gov/page/1063>> accessed 26 June 2023

²⁶ Kate Greasley, *Is Sex-Selective Abortion Against the Law?* (2016) 36(3) Oxford Journal of Legal Studies <<https://doi.org/10.1093/ojls/gqv031>> accessed 26 June 2023

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ 'Safe and Legal Abortion is a Woman's Human Right' (Centre for Reproductive Rights) <https://www.reproductiverights.org/sites/default/files/documents/pub_bp_safeandlegal.pdf> accessed 26 June 2023

³⁰ *Justice K. S. Puttaswamy (Retd.) v Union of India* (2017) 10 SCC 1

wherein the court offered reasons for allowing specific reasons for medical abortion of pregnancy, all while maintaining the ruling in *Suchita Srivastava v Chandigarh Administration*. Advocates advocating extensive reproductive healthcare and access to secure and authorized abortion services are known as ‘pro-choice’ activists.

Pro-choice advocates typically hold that everyone is entitled to the fundamental human right to choose if and when to have children. The Supreme Court, in *Suchita Srivastava v Chandigarh Administration*,³¹ held that a woman cannot be forced against her will to carry on with an unwanted pregnancy by the state. The court’s ruling emphasized how crucial reproductive rights are as a component of a woman's right to life and personal freedom.

Even if you wouldn't pick abortion for yourself, when you declare you're pro-choice, you're telling individuals that you think it’s okay to allow them to have the option of doing so in the event of an unforeseen pregnancy. Pro-choice individuals favor abortion and hold that a fetus cannot exist separately from the mother because it cannot be recognized as a separate entity during the first trimester. This is the case because the placenta and umbilical cord that connect it to the mother make it reliant upon her well-being and prevent it from being considered an independent being as it is unable to exist outside of the mother's womb. They also assert that the idea of personhood and the idea of human life are distinct from one another.

Human life begins at conception, but many times during in vitro fertilization, fertilized eggs do not get implanted and get regularly discarded away, and because of this, it is not regarded as murder; how can abortion be regarded as murder? They also think that the idea of adopting is not a viable substitute for abortion. Contraceptive pills are useless in these circumstances because, even in cases of rape or incest, etc., a woman frequently is ignorant of the fact she is expecting or is just too frightened to talk about it. This group of people contends that despite the risks associated with appropriate contraceptive use, pregnancy is still possible, even though abortion shouldn't be utilized as a method of birth control.³²

³¹ *Suchita Srivastava v Chandigarh Administration* (2009) 9 SCC 1

³² Kate Greasley (n 26)

The US Supreme Court reversed its 1973 *Roe v Wade*³³ decision against state restrictions on abortion, giving women's rights to sexual and reproductive health a significant setback. This decision will have significant implications. The Medical Termination of Pregnancy Act of 1971 provided women's freedom to seek an abortion two years before the US Supreme Court's ruling in India. Since then, a lot of water has flowed beneath the bridge. The secure abortion period was significantly widened by the updated MTP Act in 2021 as a result of accounting for both the improvements in medicine and the changing societal circumstances. The 2021 law's expansion of the legal limitation regarding abortion from 20 to 24 weeks of gestation was not its most significant modification. It was done in acknowledgment of the requirement that all women, regardless of their status in marriage, have the option of abortions. The Supreme Court of India recently ruled in a landmark decision that according to the MTP Act, all women have the right to safe and legal abortions and that any prejudice based on marital status shall be illegal. The bench of Justices D.Y. Chandrachud, A.S. Bopanna, and J.B. Pardiwala stated, 'It is only the woman's consent (or her guardian's assent if she is minor or mentally ill) which is material'.³⁴

In a recent case, a 25-year-old unmarried lady who had been living in a live-in relationship recently petitioned the Delhi High Court asking for authorization to terminate her 23-week-old pregnancy in the matter of *X v Health & Family Welfare Department*.³⁵ Her appeal was dismissed by the Delhi High Court. However, this judgment was overturned by an ad-interim decree from the Supreme Court. Even though Rule 3B³⁶ of MTP Rules does not specifically list single or unmarried women as being part of the groups of women who can get an abortion, the Court noted that depriving these women of their rights would be contrary to the original intent of the Act. In another case, an 18 years old unmarried girl prayed to terminate the pregnancy of the child in her womb on the ground that bearing the child for three months made her mentally

³³*Roe v Wade* [1973] 410 US 113

³⁴ 'All women are entitled to safe & legal abortion, says Supreme Court' *The Economic Times* (29 September 2022) <<https://economictimes.indiatimes.com/news/india/all-women-are-entitled-to-safe-legal-abortion-says-supreme-court/articleshow/94524985.cms>> accessed 26 June 2023

³⁵*X v Health & Family Welfare Department* (2022) SCC OnLine SC 905

³⁶ Medical Termination of Pregnancy Act 1971, r 3B

ill, and the continuance of pregnancy will cause a grave injury to her mental health. The Court granted the termination of the pregnancy as it was a result of rape.³⁷

We've now shown that the issue of if and how abortion ought to be permitted is complicated and hotly contested in many nations, including India. It is significant to remember that this entails a complex problem with many different points of view. Legalizing abortion acknowledges a woman's autonomy over her own body and reproductive system. It gives women the ability to be in charge of their own lives, decisions, and futures. When abortion is prohibited, women could turn to risky procedures and unlicensed doctors, which could result in fatal health problems. Legalizing abortion while putting in place the necessary protections and restrictions enables it to be safely performed by qualified medical personnel.

Maternal mortality rates are lowered as a result of readily available, legal abortion services. The dangers associated with unsafe procedures and problems from unintended pregnancies are reduced when women have access to safe abortion methods. Unplanned pregnancies can put hardship on families and society, especially in circumstances where resources are scarce. Legalizing abortion gives women the freedom to avoid unintended pregnancies and make sensible family planning decisions, which can have long-term favorable social and economic benefits. Legalizing abortion is frequently considered a step in the direction of attaining gender parity. It recognizes women's autonomy and gives them the power to make judgments about their reproductive health, enabling them to take part in society more completely and achieve their educational, professional, and personal goals.

It's crucial to remember that there are other perspectives on abortion besides what is stated here, and the arguments are not all-inclusive. Diverse nations and civilizations have diverse public attitudes and legal systems. The final choice to legalize abortion is based on several variables, including societal values, issues with public health, moral concerns, and the general legal system of a given nation.

³⁷ *D. Rajeswari v State of Tamil Nadu & Ors* CrI P No J3795/1986

CONCLUSION

India's pro-life vs pro-choice argument exemplifies the difficulties of a multiethnic and culturally varied country. For lawmakers, healthcare professionals, and society in general, it can be difficult to strike a balance between protecting life and a woman's right to choose. India may strive for a more educated and inclusive view on abortion by participating in polite dialogue, reducing stigma, and guaranteeing the availability of adequate reproductive healthcare. The independence and well-being of women in the nation will increase with recognition of the value of reproductive rights for women and the significance of safe and legal abortion services. Terms like 'pro-choice' and 'pro-life' don't capture the nuance of how the vast majority feel and think about abortion.

We ought to embrace the daily decisions individuals and their loved ones make in real life rather than categorizing people into one category or another. Pregnant women should consult their families, their beliefs, and their healthcare practitioners before deciding whether they should opt for adoption, end their pregnancy, or keep going. Politicians ought to stay out of people's private medical choices regarding their reproductive wellness or pregnancy.

The pro-life vs pro-choice argument is influenced by several variables. For instance, perspectives on abortion are heavily influenced by ethical and moral issues related to the condition of the fetus and women's rights. Various faiths hold various opinions on the sacredness of all life and women's reproductive autonomy, which can have a significant impact on thoughts on abortion. Different nations and jurisdictions have different abortion-related legal frameworks, comprising laws and regulations, which have an impact on the accessibility and availability of abortion services. An essential component of the pro-choice viewpoint is the acknowledgment of rights for women, autonomy in their bodies, and reproductive freedom—as well as the dangers of performing unsafe abortions and the significance of delivering secure and supervised healthcare.

Therefore, having a productive discussion involving pro-life and pro-choice activists is essential to developing a greater comprehension of the issues involved with abortion. This discussion ought to take into account sociological, ethical, moral, and legal considerations while

recognizing opposing points of view. Societies can endeavor to identify solutions that put women's health, reproductive rights, and general well-being first by encouraging open debates and concentrating on areas that share common ground.