

## **POST MODULE 2- ASSIGNMENT**

**Compare and analyse in 200-300 words the different laws for abortion between India and any other country.**

Abortions are safe when they are carried out with a method that is recommended by WHO and that is appropriate to the pregnancy duration, and when the person carrying out the abortion has the necessary skills. Such abortions can be done using tablets (medical abortion) or a simple outpatient procedure.

An abortion is unsafe when it is carried out either by a person lacking the necessary skills or in an environment that does not conform to minimal medical standards, or both. The people, skills, and medical standards considered safe in the provision of induced abortions are different for medical abortion (which is performed with drugs alone), and surgical abortion (which is performed with a manual or electric aspirator). Skills and medical standards required for safe abortion also vary depending upon the duration of the pregnancy and evolving scientific advances.

- They are less safe, when done using out-dated methods like sharp curettage even if the provider is trained or if women using tablets do not have access to proper information or to a trained person if they need help.
- Abortions are dangerous or least safe when they involve ingestion of caustic substances or untrained persons use dangerous methods such as insertion of foreign bodies, or use of traditional concoctions.

Women, including adolescents, with unwanted pregnancies often resort to unsafe abortion when they cannot access safe abortion. Barriers to accessing safe abortion include:

- restrictive laws
- poor availability of services
- high cost
- stigma
- conscientious objection of health-care providers and
- Unnecessary requirements, such as mandatory waiting periods, mandatory counselling, provision of misleading information, third-party authorization, and medically unnecessary tests that delay care.

Based on data from 2010–2014, approximately 45% of all abortions worldwide were unsafe. Of all unsafe abortions, one third was performed under the least safe conditions, i.e. by untrained persons using dangerous and invasive methods. In Latin American and Africa, the majority (approximately 3 out of 4) of all abortions are unsafe. Each year between 4.7% – 13.2% of maternal deaths can be attributed to unsafe abortion. Having said this, I would like to compare the abortion laws of India with those of Brazil.

## COMPARISON OF ABORTION LAWS BETWEEN INDIA AND BRAZIL

<u>CATEGORY</u>	<u>INDIA</u>	<u>BRAZIL</u>
<b>Classification of Law</b>	Broad social or economic ground	To save the woman's life
<b>Laws</b>	<p><b>R</b> Permitted in cases of rape</p> <p><b>F</b> Permitted in cases of fetal impairment</p> <p><b>PA</b> Parental authorization/notification required</p>	<p><b>R</b> Permitted in cases of rape.</p> <p><b>+</b> Permitted on additional grounds</p>
<b>Type of Legislation</b>	<b>Legalization</b> (The MTP Act, 1971 allowed abortion under certain conditions & timeframes. Under the IPC, any abortion carried out of the scope of the law was a punishable offence)	<b>Criminalization</b> (with penalties for 1-3 years of imprisonment for the pregnant person, and 1-4 years for the doctor or any other person who performs the process)
<b>Number of abortions (safe and unsafe) in a year.</b>	Nearly <b>6.4 million</b> .	Approximately <b>1 to 4 million</b> .
<b>Maternal Mortality (due to unsafe abortion)</b>	<b>3<sup>rd</sup></b> leading cause of maternal mortality in the country.	<b>4<sup>th</sup></b> leading cause of maternal mortality in the country.
<b>Condition for permitting</b>	<b>Termination up to 24 weeks of gestation allowed.</b> Beyond 24 weeks is permitted to only certain categories of pregnant people, as certified by the central government. The upper limit for gestation period would not be applicable in case of serious foetal anomalies.	<b>Only to save the pregnant woman's life or where the pregnancy is a result of rape or incest.</b>
<b>Authorization</b>	Any hospital established or maintained by the govt. or a place approved by the govt. for this purpose of act. A registered medical practitioner with the required qualification can perform the services.	Doctors and hospitals are required to obtain judicial authorization to carry on abortion.
<b>Reporting to the Police</b>	Only in case of pregnancy of a minor, the service provider has to report it as an offence under the <b>POCSO Act, 2012</b> .	Women who are pregnant as the result of rape do not require presenting police report to the public hospital in order to obtain a legal abortion or post abortion care. <b>In all other cases, it has to be reported to the police.</b>