Situation with Abortion in India: Analytical Essay

Abstract:

The world today is full of very sensitive and controversial topics that are to be taken seriously and carefully resolved. A lot of them dictate our moral, ethical and religious choices. One of such is abortion which falls in the category of moral and social dilemma depending on the circumstances and background.

Abortion has been present since ancient times. Women from all cultures have used different kinds of methods to terminate pregnancy, in other words, abortion. In the beginning herbs, forceful massages and drinks were used to carry it out but with time and technology, the methods got better along with contraception and awareness about it.

A lot of arguments, private or public, against or for abortion emphasizes moral permissibility or judiciary laws. About 250 million abortions happen every year and 45% are done in an unsafe manner. Abortion is a vast topic that needs detailed study through different aspects: science, religion, morals and law

India, one of the leading countries in population, also is infamous for the practice and the reason behind the abortion is not only because of the common cause of unwanted pregnancy but “Female infanticide”. This means termination of the fetus if its a girl and can be detected by Ultrasound.

Introduction:

Definition and History:

The term abortion by the wiki has been defined as “the deliberate termination of a human pregnancy, most often performed during the first 28 weeks of pregnancy. The first recorded abortion that was induced, its evidence is from the Egyptian Ebers Papyrus in 1550 BCE. Many of the methods used in early cultures were non-surgical. Physical activities like strenuous labour, climbing, paddling, weightlifting, or diving have mostly used the technique.

Types:

- Induced abortion: As the name suggests, this kind of abortion is done by external assistance. When medication is taken or a procedure is operated to end a pregnancy its called induced abortion. It has basically two types :
    - Therapeutic abortion: is an abortion that is performed on pregnant women with the help of medical assistance in response to medical conditions and health issues...
    - Elective abortion: is an abortion that is done due to personal choices and reasons. And can be done with medical intervention or can be self-induced.
- Spontaneous abortion: Another name for this is Miscarriage. It is the natural death Of the fetus before the 24th week of gestation. After that it's called a stillbirth. The causes

can be trauma, health issues and accident.

Methods:

- Surgical: The procedure is simple and safe. The doctor terminates pregnancy by removing the fetus from the womb through the vagina with the help of a gentle suction method. Is Offered till 24th week of pregnancy.
- Medical: it involves mostly medicines such as tansy, pennyroyal etc to stimulate abortion by creating tensions in lower abdomen to expel fetus. It is very unsafe if its self induced and not done under supervision.
- Labour induced abortion: Also known as an induced miscarriage. When is a lack of required medical facilities, the abortion is done by induced labor and then termination of fetus.

Safety and Precautions:

Precaution is better than cure. If abortion is done before 10 weeks, it's not only risky to mothers' health but as the gestation age increases so does the complications to mother's life and in the third trimester its next to impossible. Given the nature of the procedure, abortion has reached a disputable status.

- The list of factors that can remarkably chance complications are
- The medicines and he kind of anesthesia used;
- The woman's overall physical and mental health;
- The methods used for abortion;
- The provider's skill and training period.
- Safety and Precaution of abortion :
- The female shouldn't have ectopic pregnancy.
- The person must not suffer from any kind adrenal gland/liver/kidney/heart disorder.
- She must not be allergic to abortion pills, or over 35 years old, and should be less than 12 weeks pregnant.
- She should not suffer from hypertension, diabetes or high blood pressure

Contraceptive methods: In order to save the trouble of going through abortion altogether, there should be an awareness about the contraceptive methods and safe sex which includes pills, condoms to prevent unwanted pregnancy. These awareness programs or sex education should be conducted in schools with full details so as to make the youth responsible and knowledgeable.

Religion, law, Society, and Abortion:

Every Religion has its own stand on abortion and it’s stance has been studied under the broader spectrum

According to Buddhism, abortion is negative and is only allowed under specific conditions. But in the case of Hinduism, even though its strongly condemned,it is prevalent as a cultural norm due to prefer ales of sons. Also, abortion is allowed till a certain gestation stage that is the third month, past that its prohibited.

In Abrahamic religions such as Christianity, Judaism and Islam have the same stance of non-permissible and exceptions are made depending on the situation. Although the difference in rulings is of till what gestation stage abortion is allowed. For example, in Islam its allowed till 120 days.

Coming to Society is another story that mostly depends on both factors, culture and religion. Whereby law is altogether another domain which works on jurisdiction more than religion and accounts all aspects and rules accordingly and which varies from country to country.

Content:

Abortions in India:

It is estimated that about 1.5 million abortions take place every year in India. And the population of India is about 1.39 billion out of which 26% of females are of reproductive age(18-45).

Despite 30 years of liberal legislation, most of the females in India lack access to safe abortion. One of the leading causes of abortions is the preference of the population of boys over girls which leads to female infanticide which is illegal in India. And since it's illegal, people do abortion it through unsafe and illegal methods. There is a major decline in the sex ratio which is currently 914 girls over 1000 boys.

Complications due to unsafe abortions are a concern of public health as it affects the whole society. In huge countries like India, abortion is legal for a vast range of medical and social reasons. Legally, females can access safe abortion services under the supervision of trained medical trainee centres/ clinics with their husbands/fathers consent also taken into consideration

Every year in India around 453 females die due to complications that arose by maternal causes in 10000 live birth. Not only these unwanted pregnancies impact females' health but also risk their lives.

The review will mainly focus on how Abortion is perceived in India and identify the measures that have been taken by the government to ensure that the abortion services provided are monitored, what are the laws that regulate it and if it's accessible to every kind of background people living in the country.

Abortion incidence: it is really hard to find the census accurately in most of countries and India is no exception. Illegal and therefore unreported abortions by data are said to be more than the legal ones. The data typically comes from two places: which are hospital and clinic records. But most of the population live in poverty and come from underdeveloped cities, they use traditional ways to terminate pregnancies which remain unreported and underestimated.

Since most of the data collected from the hospitals and clinics are underestimated and the majority falls in unreported, the government uses indirect methods to find out the data.

Providence of illegal centers for abortion: in spite of broad signs of legal abortion, unsafe and illegal abortions are very common in india. Availability, financial restrains, dilemma,

confidentiality and privacy might be few of the reasons for it.A lot of times women are unaware of the fact that legal abortion is publicly available and legal.

The reasons Indian women terminate unwanted pregnancies are many and vary. The conditions that can lead to it can be early pregnancy, rape, infidelity, financial issues, being pregnant at an old age etc etc

Even with the authorization of the clinics and centres for legal abortion, a lot of them do it illegally for illegal cases such as killing a female fetus which is clearly banned and prohibited in India. There has been a lot of campaigns organised and marched in India against this malpractice that have tried to bring awareness to the downtrodden.

Total Abortion Rate Estimates from Three Indirect Estimation Techniques

Laws:

The most recognised rule in India related to Abortion is :

The Medical termination of pregnancy Act,1971: states that abortion is allowed when:

- Fetus is deformed
- May risk women life
- Pregnancy as a result of rape
- Failure of contraceptive used by married couples.

This act not only protects the right of baby unborn but also the woman. Furthermore, after this the medical centre that provides this service has to be approved by the government and there is a necessary form to be filled before the procedure known as a consent form which has to be signed by both parents or their guardians to take full responsibility of their action.

How to combat the malpractices of illegal abortion in India and its side effects :

First of all, the centres and clinics that provide the service of abortion should be thoroughly regulated. The doctors that do that should have their background checked by the government to prove that they are qualified to offer such practice.

Secondly, since there is a stigma related to to having daughters in India and is considered as taboo, it can be shunned only by education. So, therefore, there should a solid emphasis on education to the majority in order to curb thinking which is the root cause of such practices.

Islam and abortion :

India being the country that has the second-highest population of Muslims will ultimately have religious intervention in such issues.

First of all, talking about how abortion is addressed in Islam.

Ibn Abbas said: 'Umar asked about the decision of the Prophet (peace be upon him) about that

(i.e. abortion) Haml ibn Malik ibn an-Nabighah got up and said: I was between two women. One of them struck another with a tent-pole killing both her and what was in her womb. So the Apostle of Allah (peace be upon him) gave judgment that the blood-wit for the unborn child should be a male or a female slave of the best quality and that she should be killed.'

Hadith—Abu Dawood 4555, Narrated Umar ibn al-Khattab

Islam has strictly prohibited abortion as its equivalent to murdering and killing an innocent unless and until you are presented with complex situations which are deem for an exception.

When is abortion allowed/permissible:

According to shariah, abortion is allowed before the fourth month and if the procedure is carried after that its considered as if you have taken a life of an innocent being which is haram.

Abortion is highly condensed after 120 days of pregnancy as soul/spirit enters the body and even this stage is known as Khalqan Akhar

The cases in which abortion is allowed is

- RAPE: even though child out of rape are considered legitimate, the woman is given the choice of termination before 120 days of pregnancy and she won't commit a sin if she proceeds with it.
- MOTHER’S LIFE AT STAKE: If a mother is suffering from diseases like diabetes, hypertension and thyroid etc and pregnancy can become a threat to her life in that circumstances she is allowed to drop her baby,
- FETUS DEFORMED: while checkups and ultrasounds if it is found that a baby is crippled and sick in any manner and utterly malformed than its permissible.

This was the Fatwa made by the Islamic Council of Jurists of Makkah Al-Mukaramah which was held in Makkah from 10 to 17th February 1990.

Rulings and Punishment for induced abortion :

According to Islam, procreation is an integral part of matrimony and not only that but it's considered as an act of worship. As claimed by Prophet Muhammad SAW, procreation with one’s wife is also considered as an act of charity.

The Prophet Mohammed said to all Muslims: “Get married, beget and multiply because I will be proud of you among nations.”

Although procreation is encouraged, but contraception is not prohibited in Islam altogether. As long as it's temporary. there are a lot of views from different scholars in Islam about contraception. Prophet Muhammad SAW allowed his companions to practise onanism. According to Islam, temporary contraception is allowed for as long as it does the harm the consumer. However, sterilization is completely prohibited unless and until there is a medical reason for that.

Also, Quran prohibits the killing of children for want or fear of want. And think that they won't be able to take care of them for Allah is the sustainer and he has the responsibility taken to himself to provide for you and for them.

According to Quran, stages of fetal development

Stage

Name

What occurs

Time period

Legality

(fiqh)

1 Nutfla (sperm)

Semen is collected in the womb with the ovum

Conception till 40 days

Hanafi: permitted

Shafi: majorly permitted

Maliki: some permit.

Hambali: prohibited

2 Aloqa (blood clot)

Semen fertilizes the ovum, creating a blood-like clot

40-80 days

Hanafi: permitted

Shafi: some permitted

Maliki: some permit.

Hambali: prohibited

3 Mudgha

(embryo)

Clot develops into a lump and gradually into structured human flesh

80-120 days

Hanafi: permitted

Shafi: majorly permitted

Maliki: some permit.

Hambali: prohibited

4 Khalqan akhar (spirit)

Fetus acquires a spirit as ensoulment occurs

120 days til birth

Prohibited in all fiqhs.

Rulings/ fatwas on abortion

Reasons

Fatwa

Conclusion

Mothers life

If the continuation of pregnancy risks mothers' life, then mothers' welfare is a major concern and no law applies here.

Widely permitted

Rape/Incest

It is case of disputable topics. A lot of muftis allow abortion within forty days

It is permitted within the gestation period and for incest, it’s less discussed.

Foetal deformity

A lot of muftis allow abortion in the first trimester

Allowed within gestation period.

Social and financial reasons

Quran has strictly prohibited infanticide out of fear of financial burden. However, for an extremely young girl(below 15) there is a room for abortion

Majorly prohibited with some exceptions.

Tunisia is the only Muslim majority country that does not follow the sharia law for abortion and has inculcated judiciary law system ruling as it allows it on upon request within 12 weeks. Whereas Turkey allows abortion with certain restrictions solely based on circumstances. The remaining muslim countries follow sharia law for abortion and prohibit abortion without any solid reason to do so.

Muslim majority countries over abortion

Side effects of abortion:

Chances of infertility if the procedure is not carried out carefully and precisely.

Depression

Vomiting, diarrhea and nausea.

Damage to cervix and other organs

Infection

Death

Conclusion :

Therefore, it can be concluded that abortion is majorly prohibited in religion and even in the judiciary domain if done without any solid reason and important conditions to support it. A lot of times, the statement is put forward that it should be legalized and should be an individual concern and a private matter. And it's in the right of a female. But what about the rights of the unborn fetus who can't even stand up for his case? Who would ensure its safety? For that purpose, the intervention of religion and government is required.

Secondly, abortion is not the sensible and primary solution for overpopulation and financial crises. Instead on focusing on how to spread awareness about health and sex education, encourage contraception and facilitate employment, abortion sounds very illogical, impractical and a criminal approach.

Last but not the least, the betterment of youth happens when we inculcated morals, ethics, and knowledge in them. Children of today from the beginning should be made aware of the social topics. As said prevention is better than cure, and being careful will only come with by knowing what's right and what's wrong

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4. (The matter of the Creation of) a human being is put together in the womb of the mother in 999 days, and then he becomes a clot of thick blood for a similar period, and then a piece of flesh for a similar period. Then Allah sends an angel who is ordered to write four things...then the soul is breathed into him'…..Sahih al-Bukhari, 4:54:43
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