



Mains Practice Question

Case Studies

There is a lady who wants to terminate her 26-week pregnancy on the grounds of depression and financial hardship. She claims that she was unaware of her pregnancy until recently and that she cannot afford to raise another child. She also says that she suffers from severe mental stress and anxiety due to her situation. The doctors at AIIMS have examined her and confirmed that the fetus is alive and has a heartbeat, and they have refused to perform an abortion as it would amount to ending a life.

- a) What are the ethical issues involved in this case?
- b) What are the legal and ethical concerns regarding abortion in India?

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Approach

- Start your answer with a brief introduction to the case.
- Discuss the Ethical issues involved in the case and discuss Legal and ethical concerns regarding abortion in India.
- You can conclude by summarizing key points of the answer and with a balanced approach.

Introduction

In this case, a woman wants to terminate her 26-week pregnancy due to depression, financial hardship, and severe mental stress. Doctors at AIIMS have declined her request, citing the fetal heartbeat and ethical concerns. This case raises complex ethical dilemmas regarding the rights of the woman, the fetus, and the responsibilities of healthcare providers.

Body

Some of the ethical issues involved in the case:

- **The right to life of the fetus versus the right to reproductive autonomy of the woman:** The fetus is a potential human being with a heartbeat and a nervous system, and some may argue that it has a moral status and a right to life.
 - The woman, on the other hand, is an autonomous person who has the right to make decisions about her own body and health, and some may argue that she has a right to terminate an unwanted pregnancy that poses a threat to her well-being.
- **The duty of care of the doctors versus the respect for the woman's choice:** The doctors at AIIMS have a professional and legal obligation to protect the life and health of both the woman and the fetus, and they may believe that performing an abortion would violate their duty of care and their conscience.
 - The woman, however, has a personal and moral preference to end her pregnancy, and she may believe that the doctors are denying her access to safe and legal abortion services that she is entitled to under certain circumstances.
- **The social justice implications of the woman's situation versus the potential harm to**

the fetus: The woman is facing depression and financial hardship, which are factors that may affect her mental health and quality of life. She may also face stigma and discrimination from her family and society for having an unwanted pregnancy or an abortion.

- The fetus, however, may suffer pain and distress during the abortion procedure, and may lose the opportunity to experience life and happiness.

Legal and ethical concerns regarding abortion in India:

▪ Legal Concerns:

- **Gestational Limits:** The Medical Termination of Pregnancy (MTP) Act of 1971 sets a 20-week gestational limit for abortion, except in cases of rape, incest, foetal abnormalities, or risk to the woman's life or health, which allow abortion up to 24 weeks with the approval of two doctors.
- **MTP (Amendment) Act of 2021:** This amendment aims to expand the scope of abortion services by increasing the gestational limit to 24 weeks for certain categories of women. Meaning the max limit to terminate a pregnancy can't be exceeded beyond 24 weeks.
- **Challenges in Access:** Despite legal provisions, women in India face challenges in accessing safe and legal abortion services. These challenges include a lack of awareness, social stigma, religious and cultural opposition, gender discrimination, inadequate infrastructure, high costs, and legal hurdles.

▪ Ethical Concerns:

- **Right to Life:** The ethical debate centers on when human life begins. Opponents of abortion argue that life begins at conception, and the foetus has a right to life that cannot be violated. Supporters of abortion contend that life begins at birth, and the woman has a right to control her own body and reproductive choices.
- **Rights and Interests:** The ethical debate also considers the rights and interests of both the woman and the foetus. Opponents argue that the foetus's right to life outweighs the woman's right to choose, while supporters emphasize a woman's right to autonomy and decision-making regarding her body.
- **Immorality:** Opponents of abortion claim that it is immoral, unnatural, and can be harmful to women's physical and mental health. Supporters argue that abortion is necessary for women facing unwanted or unsafe pregnancies and can benefit their well-being and empowerment.

Conclusion

In such cases, a thorough assessment of the woman's situation is essential, considering legal and ethical aspects. The resolution hinges on a blend of medical, legal, and ethical factors, sometimes necessitating court intervention. The primary goal of the legal framework is to protect the health of both the woman and the fetus, respecting her autonomy and rights.