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# Global Abortion Trends: Examining the Legal, Ethical, and Social Dimensions in India and the USA

Saima Hassan

Assistant Professor IILM University Gurugram

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## ABSTRACT

Managing legal regulations in society is crucial for overseeing various medical and ethical practices, particularly when addressing complex and sensitive issues such as abortion. Abortion remains one of the most widely debated and controversial topics worldwide, as it involves moral, legal, medical, and social dimensions. Different countries adopt varying policies and regulations regarding abortion, influenced by cultural beliefs, religious principles, political ideologies, and public health considerations. Ensuring privacy and protecting women's reproductive rights is essential, as the ability to make autonomous decisions about pregnancy and childbirth is a fundamental aspect of human rights and gender equality. Governments across the world approach abortion with differing legal frameworks—some nations permit abortion on demand, while others impose severe restrictions or even criminalize the procedure entirely. While India and USA recognize the necessity of abortion under specific circumstances, their policy approaches and accessibility differ significantly. In the United States, abortion laws have undergone major transformations, particularly after the overturning of *Roe v. Wade* in 2022, leading to state-specific variations in abortion access. In contrast, India's Medical Termination of Pregnancy (MTP) Act governs abortion, allowing it under specific medical and social conditions but not as an absolute right. The primary objective of this research paper is to compare abortion rates in the USA and India. Government policies in the US and India adopt different strategies to regulate abortion rates and promote women's development. This research paper highlights the seriousness of abortion and the major reasons behind it in these regions.

Abortion remains a highly sensitive and multifaceted issue, requiring legal clarity, healthcare reforms, and social acceptance. Both India and the USA face distinct yet interrelated challenges in addressing abortion laws and accessibility. While India's abortion laws are progressive in certain aspects, societal attitudes and lack of medical

\*Corresponding author.

E-mail address: Shassanmir06@gmail.com (Saima Hassan)

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accessibility continue to create barriers for women seeking safe abortions. Meanwhile, in the USA, the legal landscape remains fragmented, with increasing restrictions in some states limiting reproductive choices. To ensure women's rights and public health interests, it is essential to implement policies that support comprehensive reproductive healthcare, reduce stigma, and promote gender equality in both countries. Furthermore, the paper examines the legal framework and government regulations designed to manage abortion rates. The scope and significance of abortion are analyzed to understand the factors influencing women's decisions. Additionally, the global history and limitations of abortion in these two countries have been evaluated. The legal strategies adopted by the USA concerning abortion laws have been discussed in detail. Moreover, the drawbacks and contradictions surrounding abortion in the societies of the USA and India are also explored. The Government of India has imposed restrictions on abortion under specific conditions. Indian legislation permits abortion when a woman's health is at risk due to pregnancy, granting her the right to make decisions regarding termination in such circumstances.

## DESPITE LAWS AND POLICIES IN PLACE, ABORTIONS ARE DONE ILLEGALLY

Abortion remains a controversial issue worldwide despite the existence of various laws and policies established by different governments. Governments have implemented policies aimed at reducing abortion rates and regulating the practice. The primary objective of this research paper is to compare government rules and regulations regarding abortion in the USA and India. The Government of India has a strict abortion policy. The Government of India has an abundant abortion policy in the country. According to the rules of the "Medical Termination of Pregnancy (MTP) Act of 1971," abortion is not freely permitted in India<sup>1</sup>. However, this act was amended in 2021 to introduce new provisions and regulate abortion more effectively.

The MTP Act outlines specific criteria under which abortion is permitted. Under certain conditions, a woman is allowed to undergo an abortion. If a pregnancy poses a risk to a woman's life, abortion is legally permitted.

<sup>1</sup>pewresearch.org, (2024) "son-preference-and-abortion" available at: <https://www.pewresearch.org/religion/2022/03/02//son-preference-and-abortion/> [accessed on 19.04.2024]

Additionally, detecting the gender of a fetus and seeking an abortion based on gender preference is strictly prohibited in India. The law acknowledges both physical and mental health risks as valid grounds for abortion while ensuring privacy and confidentiality in decision-making.

On the other hand, abortion laws in the USA vary across different states. The landmark case *Roe v. Wade*, along with *Doe v. Bolton* decriminalized abortion nationwide in 1973<sup>2</sup>. Under U.S. law, women have the right to make independent decisions regarding abortion, with no nationwide restrictions preventing access to the procedure. Understanding the factors influencing abortion worldwide is essential. A comparison between the USA and India reveals that India's abortion rate is higher, primarily due to a lack of awareness. Lack of awareness is an influencing factor in increasing the abortion rate and the priority for gender is another factor to abort children in India<sup>3</sup>. In 2021, the abortion rate in the USA was approximately 11.6%, whereas in India, it was around 62%.

Several factors contribute to India's high abortion rate, including limited awareness, gender-based preferences, and socio-economic disparities. Differences in social, economic, and educational factors between India and the USA also contribute to the variation in abortion rates. Enhancing awareness and improving access to safe abortion services are crucial measures. Additionally, eliminating gender-based discrimination is an essential step toward reducing abortion rates in India. The Indian government has implemented policies prohibiting fetal gender detection during pregnancy to address this issue.

Ensuring the well-being of pregnant women is vital for maintaining maternal health. Encouraging mobility and physical activity during pregnancy can help ensure safer pregnancies. Safe health conditions can reduce risks among pregnant women and lower abortion rates. In the USA, a waiting period is often required before making abortion decisions for specific and valid reasons. Additionally, U.S. abortion laws prioritize privacy and confidentiality by imposing no federal restrictions on abortion access.

<sup>2</sup>cdc.gov, (2024) "reproductive health" available at: [https://www.cdc.gov/reproductivehealth/data\\_stats//abortion.htm](https://www.cdc.gov/reproductivehealth/data_stats//abortion.htm) [accessed on 19.04.2024]

<sup>3</sup>Remez, L., Mayall, K. and Singh, S., 2020. "Global developments in laws on induced abortion: 2008–2019." *International perspectives on sexual and reproductive health*, 46(Supplement 1), pp.53-65.

## MAGNITUDE OF ABORTION GLOBALLY

The global magnitude of abortion has been effectively assessed, revealing its significant and complex impact on society. Abortion has emerged as a major issue that needs to be addressed by society through appropriate measures. Several contributing factors influence this issue, shaping societal dynamics and affecting women's health and rights. Understanding these factors is essential for developing effective policies and interventions.

A proper estimation of global trends shows that abortion is a critical issue faced by women worldwide. Studies indicate that approximately 30 million women undergo induced abortions annually, highlighting the scale of the issue<sup>4</sup>. Additionally, data analysis reveals that around 21 million pregnancies occur each year, with 22% resulting in induced abortions.

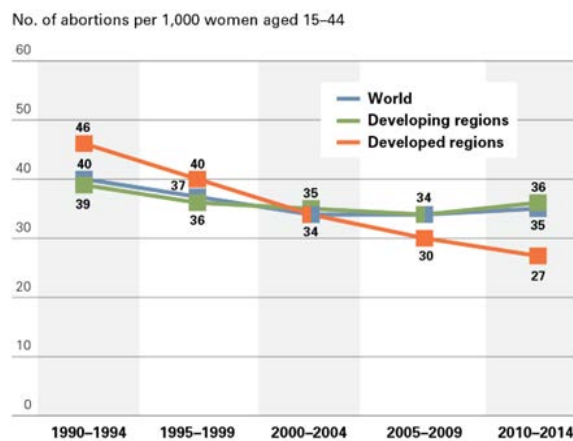
In Sub-Saharan Africa (SSA), research has shown that many women resort to abortion as an alternative to family planning methods. Globally, data indicates that certain regions have higher abortion rates, often linked to limited access to contraception. Many women in these areas rely on contraceptive pills, which, when used without proper medical guidance, can adversely affect reproductive health<sup>5</sup>.

The World Health Organization (WHO) and the Guttmacher Institute estimate that millions of abortions take place worldwide annually. Despite this, accurately determining the total number of abortions remains challenging due to several factors. Variations in reporting mechanisms across countries, where abortion is either underreported or unreported, contribute to the lack of reliable data. Additionally, societal stigma surrounding abortion discourages women from seeking formal medical care, further skewing the statistics. In countries where abortion is legally restricted or entirely banned, many procedures go unrecorded, as women may resort to unsafe, illegal methods. To address these issues, a multi-faceted approach is needed. Expanding access to healthcare services, including safe and legal abortion procedures, is critical in ensuring that women can make informed choices about their reproductive health. Comprehensive reproductive health education is equally important, as it

empowers individuals to understand their options, practice safe contraception, and reduce the need for abortions in the first place. Policy reforms that safeguard women's rights, particularly their right to make autonomous decisions about their bodies, are essential in reducing stigma and legal barriers surrounding abortion. By improving healthcare access, education, and legal frameworks, the global community can better address the complexities of abortion and protect women's reproductive health and rights..

FIGURE

**2.2 The annual abortion rate has declined significantly in developed regions, but not in developing regions.**



NOTES TO FIGURE 2.2 Source: reference 15.

www.guttmacher.org

**Figure 1.1: Annual abortion rate**  
(Source: Guttmacher, 2024)

The graphical representation of abortion trends has critically highlighted significant variations in the annual abortion rate. Over the years, the rate of abortion has shown a substantial decline in developed regions, whereas in developing regions, the decline has been minimal or inconsistent. A detailed analysis of abortion trends indicates that in developed regions, the abortion rate was approximately 46% between 1990 and 1994. However, this figure decreased to 40% between 1995 and 1999 and further declined to 27% between 2010 and 2014<sup>6</sup>. This sharp decline in developed regions reflects improved access to healthcare, better family planning methods, and increased awareness regarding reproductive rights.

On the contrary, in many developing countries, abortion rates remain high due to limited access to comprehensive reproductive health services.

<sup>4</sup>Guttmacher (2024), "Annual abortion rate" <https://www.guttmacher.org/report/abortion-worldwide-2017>

<sup>5</sup>Kortsmitt, K., 2021. "Abortion surveillance—United States, 2019". MMWR. Surveillance Summaries, 70.

<sup>6</sup>Guttmacher (2024), "Abortion Worldwide 2017: Uneven Progress and Unequal Access" <https://www.guttmacher.org/report/abortion-worldwide-2017>

sive reproductive healthcare services and restrictive abortion laws. In these regions, the lack of proper medical infrastructure, inadequate sex education, and sociocultural barriers contribute to a persistently high abortion rate. Moreover, legal constraints often prevent women from seeking safe abortion services, leading to unsafe procedures that pose serious health risks. The issue of abortion is not just a medical concern but also an ethical, political, and social challenge, requiring comprehensive policies to address its complexities effectively.

A proper estimation of abortion cases in Ethiopia, for example, suggests that around 620,300 abortions occur annually. Statistical data indicates that approximately 28% of 1,000 women aged 15 to 49 years undergo abortion, with the highest percentage of cases recorded in urban areas<sup>7</sup>. Induced abortion, particularly in cases of unwanted pregnancies, remains one of the primary mechanisms for family planning in certain regions. However, this practice also leads to significant physical and psychological consequences for women, especially when abortions are carried out under unsafe or forced conditions. In cases where abortion is forced, women not only endure physical harm but also experience emotional distress, impacting their overall well-being.

The debate surrounding abortion largely revolves around the reproductive rights of women, their autonomy over their own bodies, health considerations, and religious beliefs. The ethical status of the fetus is a major point of contention, influencing global policies and legal frameworks. Countries around the world have adopted divergent approaches to abortion laws, with some nations recognizing a woman's right to choose, while others impose stringent restrictions. The magnitude of abortion as a global issue requires a nuanced understanding of social, economic, and legal factors.

Addressing the complex issue of abortion requires a multifaceted strategy that includes legal reforms, healthcare improvements, and educational initiatives. A global effort must prioritize expanding access to reproductive healthcare, safeguarding women's rights, and ensuring their overall well-being. Policies should not only focus on regulating abortion but also on providing a broad range of support systems, such as accessible contraception, maternal healthcare, and reproductive health education. This will help women make informed decisions and reduce the

need for abortions. Additionally, educational campaigns are essential to raise awareness about reproductive health and reduce the societal stigma associated with abortion. By promoting open dialogue and understanding, these campaigns can foster more supportive environments for women. Legal reforms should focus on protecting women's rights to make autonomous decisions about their bodies while ensuring that abortion procedures are safe and accessible where needed. A comprehensive, inclusive approach that integrates healthcare access, legal protections, and public education is vital to addressing the challenges surrounding abortion. It not only upholds human rights but also aligns with public health standards, ensuring that women receive the support they need to maintain their physical and mental well-being while exercising their reproductive choices.

## GRAVITY OF ABORTION

The concept of abortion is a highly nuanced issue that intersects with a variety of public health, social equity, and governmental concerns, making it a widely debated topic. At the Allure Centre, abortion is defined as the termination of pregnancy, a subject that elicits strong emotional responses and moral considerations from diverse academic, ethical, and theoretical perspectives. For some, abortion represents a fundamental issue tied to bodily autonomy and reproductive rights, allowing individuals to make informed decisions about their own bodies and futures. However, the ethical and philosophical dimensions of abortion extend far beyond these considerations, raising profound questions about the moral status of the fetus and the broader implications of human existence.

One of the most significant aspects of abortion is its impact on women's health and overall well-being. In regions where access to safe and legal abortion services is limited or highly restricted, women may resort to unsafe procedures, placing their lives at significant risk. The lack of proper medical care increases maternal mortality rates and contributes to severe physical and psychological health complications, including depression and post-traumatic stress disorder. Unsafe abortions are particularly prevalent in countries where strict legal restrictions are in place, or where healthcare infrastructure is inadequate to provide proper reproductive services.

Addressing the complexities surrounding abortion requires ensuring that women have access to comprehensive reproductive healthcare, including safe abortion services, contraception, and maternal care. These measures help prevent unwanted pregnancies and reduce

<sup>7</sup>Guttmacher (2024), "Abortion Worldwide 2017: Uneven Progress and Unequal Access" <https://www.guttmacher.org/report/abortion-worldwide-2017>



demand for unsafe abortions. Furthermore, restrictions on abortion not only threaten individual health but also contribute to broader social stigmas, especially for marginalized and vulnerable populations. The lack of social and institutional support for women facing unwanted pregnancies can exacerbate emotional distress and economic hardship, further isolating them from essential healthcare services and support networks.

Legal and policy approaches to abortion vary significantly across the world. While some countries permit abortion on request, others impose severe restrictions or completely criminalize the procedure. These varying legal systems mirror the wider societal perspectives on reproductive rights, gender equality, and individual autonomy. In regions where abortion is heavily restricted, women frequently encounter social stigma, legal repercussions, and limited access to safe medical care, further perpetuating gender-based disparities.

Discussions surrounding abortion frequently focus on issues of civil rights, moral principles, and the role of governments in regulating reproductive healthcare. The level of tolerance and legal acceptance of abortion varies widely across nations and political systems. Some countries recognize abortion as a fundamental reproductive right, while others impose absolute bans or only permit it under exceptional circumstances, such as cases of rape, incest, or threats to a woman's health. These varying legal and policy arguments reflect broader societal beliefs about individual responsibility, bodily autonomy, and collective moral obligations.

Effectively addressing the complexities of abortion requires a holistic and integrated approach that upholds women's rights, promotes reproductive healthcare access, and acknowledges the intricate ethical, legal, and governmental factors shaping abortion policies worldwide. Creating policies that emphasize education, healthcare accessibility, and legal protections can help ensure that reproductive choices remain safe, legal, and accessible, ultimately fostering a society that prioritizes both individual rights and public health.

## LEGAL AND ILLEGAL RATES OF ABORTION

Data on both legal and illegal abortion rates in India and the USA has been analyzed based on various statistical sources. However, the reported figures may vary slightly depending on the methodology used for measurement. The evaluation provides an overview of abortion rates at

both the global level and within the USA and India, highlighting legal frameworks and accessibility.

At the global level, an estimated 29% of pregnancies end in abortion, according to data from the World Health Organization (WHO). This translates to approximately 73 million induced abortions occurring worldwide each year. Of these, six out of ten abortions result from unintended pregnancies, while three out of ten pregnancies globally end in induced abortion<sup>8</sup>. These figures indicate the widespread occurrence of abortion and underscore the importance of reproductive healthcare services in addressing unintended pregnancies.

In the United States, abortion has been a legally protected right at the federal level since the landmark Supreme Court ruling in *Roe v. Wade* (1973). However, state-level regulations vary significantly, with some states imposing strict legal restrictions on abortion access. According to data from Guttmacher Institute (2024), approximately 18% of pregnancies in the U.S. end in abortion<sup>9</sup>. The legal framework governing abortion in the U.S. has experienced major changes, especially after the Supreme Court overturned *Roe v. Wade* in 2022. This decision permitted individual states to enforce their own abortion regulations, resulting in increasing disparities in access across the nation.

In India, abortion is permitted under the Medical Termination of Pregnancy (MTP) Act, first introduced in 1971 and later revised in 2021 to broaden access to abortion services. The amendment increased the legal gestational limit for abortions in specific circumstances and enhanced women's autonomy in making decisions about the procedure. According to *The Lancet*, India has one of the highest abortion rates in the world, with an estimated 15.6 million abortions occurring each year<sup>10</sup>.

Although a legal framework exists, access to safe and regulated abortion services remains uneven, especially in rural regions where healthcare infrastructure is lacking. The presence of trained medical professionals, awareness

<sup>8</sup>Who (2024), Around 73 million induced abortions <https://www.who.int/news-room/fact-sheets/detail/abortion>

<sup>9</sup>Guttmacher (2024), "Abortion Worldwide 2017: Uneven Progress and Unequal Access" <https://www.guttmacher.org/report/abortion-worldwide-2017>

<sup>10</sup>The Lancet (2024), "The incidence of abortion and unintended pregnancy in India" <https://www.thelancet.com/journals/langlo/article/PIIS2214-109X1730453-9/fulltext#:~:text=Health%20Survey%2D4.-,Findings,women%20aged%2015%E2%80%9320years>.

initiatives, and accessible healthcare facilities is essential to ensuring that women can safely exercise their reproductive rights.

The integration of legal protections, healthcare access, and awareness initiatives is vital for addressing the challenges surrounding abortion in both countries. While India has expanded legal access, gaps in medical infrastructure and sociocultural stigmas continue to pose barriers. In contrast, the U.S. faces increasing legal fragmentation, with access to abortion services becoming more restricted in certain states. A holistic approach involving policy reforms, improved healthcare accessibility, and public awareness campaigns is essential to ensure that women in both India and the USA have the ability to make informed reproductive choices without unnecessary legal or medical obstacles.

## GLOBAL HISTORY OF ABORTION

The global history of abortion is a complex and evolving issue that has shaped human societies and perceptions over centuries. The earliest recorded reference to abortion dates back to 1550 BC, as documented in the Egyptian Ebers Papyrus, one of the oldest known medical texts. Throughout ancient times, various methods of abortion were practiced, many of which were non-surgical and relied on physical exertion or herbal remedies. These traditional methods were often considered natural ways to terminate a pregnancy without medical intervention.

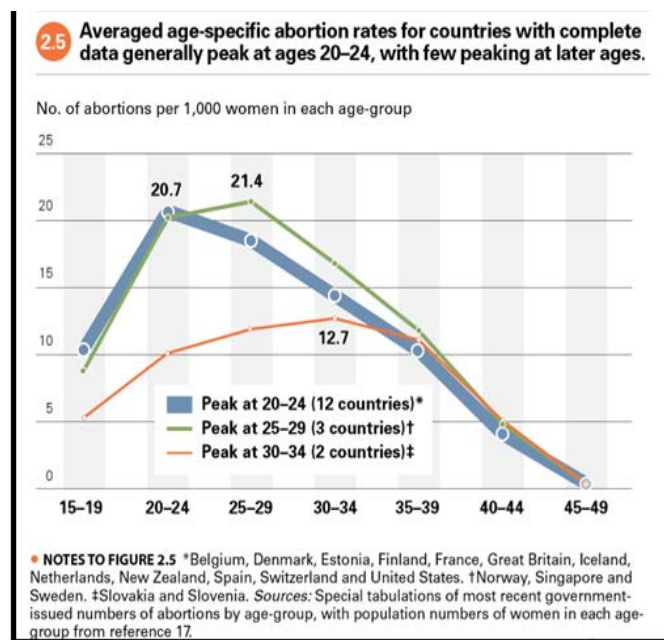
Some of the non-surgical techniques used in ancient civilizations included strenuous labor, climbing, paddling, weightlifting, and diving, which were believed to induce miscarriage. Such physical activities were thought to stimulate the body's natural processes, making abortion more likely to occur<sup>11</sup>. Over time, these methods were refined

based on cultural beliefs and medical knowledge available in different societies. The historical perspective on abortion suggests that physical exertion and certain traditional practices played a role in reproductive decision-making before the advent of modern medical procedures.

The 20<sup>th</sup> century marked a significant turning point in abortion practices, as abortion became a topic of major social, legal, and medical debate. During this period,

advancements in medical science led to the development of safer and more effective abortion procedures. Countries such as China and the United States emerged as key players in shaping abortion policies and access, with increasing legalization and medicalization of the procedure.

The introduction of surgical abortion techniques in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries revolutionized reproductive healthcare. These methods provided more controlled, hygienic, and medically supervised procedures, significantly reducing maternal mortality rates associated with unsafe abortions. Among the most common surgical abortion procedures introduced in the 20<sup>th</sup> century was dilation and curettage (D&C), which became a globally recognized medical procedure for pregnancy termination. This method, along with later advancements such as vacuum aspiration and medical abortion using pharmaceuticals, improved safety, effectiveness, and accessibility for women seeking reproductive healthcare. The evolution of abortion practices reflects shifting societal attitudes, medical advancements, and legal frameworks across.



**Figure 1.3:** Growth of Abortion in the Global History age wise distribution

(Source: <sup>13</sup>)

The global rise in abortion rates has been a subject of extensive discussion, as illustrated by statistical analyses and historical trends. The historical evolution of abortion highlights its growing prevalence and the factors contributing to its increasing acceptance and regulation worldwide. A detailed examination of age distribution patterns

<sup>11</sup>Shukla, M. and Suresh, J., "A COMPARATIVE STUDY ON CONSTITUTIONALITY OF ABORTION RIGHTS: EXPLORING THE INTERSECTION OF LGBTQ+ RIGHTS AND MENTAL HEALTH CONSIDERATIONS IN INDIA AND THE USA."

indicates that individuals aged 20 to 21.4 years constitute a significant proportion of those undergoing abortion procedures<sup>12</sup>. This age group is particularly affected due to various socio-economic, educational, and personal factors influencing reproductive decisions.

The discussion on abortion trends also brings attention to the broader implications on population growth and reproductive health management. Historically, abortion has played a role in regulating birth rates, affecting demographic trends across different societies. Recent data indicate a 15.7% increase in global abortion rates over the past year, particularly among women of reproductive age<sup>13</sup>. This rising trend underscores the need for comprehensive reproductive healthcare policies, improved access to contraception, and enhanced public awareness regarding family planning options.

In terms of regional abortion trends, the United States and India remain among the countries with notably high abortion rates. The legal framework and accessibility of abortion services in these nations have influenced the overall trends in reproductive healthcare. While the U.S. has witnessed significant policy changes, particularly following the reversal of *Roe v. Wade*, India has continued to expand abortion rights under the Medical Termination of Pregnancy (MTP) Act, which was amended in 2021 to provide greater access to safe abortion services.

A significant global trend in abortion procedures is the increasing reliance on medication abortion. Recent studies suggest that nearly 60% of all abortions worldwide are now conducted using abortion pills rather than surgical methods. This shift reflects advancements in medical

technology, increased accessibility to pharmaceuticals, and growing awareness of non-invasive abortion options. The widespread use of medication abortion has further contributed to reduced health risks, lower costs, and improved privacy for individuals seeking abortion services.

The global landscape of abortion continues to evolve, influenced by legal, medical, and societal factors. As coun-

tries adapt their reproductive healthcare policies, it remains crucial to ensure that abortion services are safe,

<sup>12</sup>Ray, M.S., 2023. "Analysis Of Abortion Laws In India: The Necessity Of A Global March To Guarantee Reproductive Freedom." *Journal of Namibian Studies: History Politics Culture*, 33, pp.1294-1310.

<sup>13</sup>Dhar, T., 2023. "A Legal and Social Perspective on Abortion". *Issue 1 Indian JL & Legal Rsch.*, 5, p.1.

accessible, and regulated, preventing unsafe procedures and safeguarding women's health and autonomy. The increasing use of medication-based abortions, along with policy shifts in major countries, highlights the dynamic and evolving nature of abortion rights and accessibility worldwide.

## US LEGAL HISTORY OF ABORTION, ITS DRAWBACKS AND CONTRADICTIONS

The legal status of abortion in the United States has undergone substantial changes over the years, influencing the nation's reproductive healthcare policies and societal views. A pivotal moment in this evolution was the 1973 *Roe v. Wade* decision, which recognized a woman's constitutional right to end a pregnancy. However, in 2022, the Supreme Court reversed *Roe v. Wade*, allowing individual states to impose restrictions and resulting in differing levels of access to abortion services across the country.

Despite ongoing legal and political debates, the United States continues to have one of the highest abortion rates among developed nations. Recent data indicate that approximately 1 million women undergo abortions annually in the U.S.<sup>14</sup>. The rise in abortion rates has been particularly noticeable among teenagers and young adults, reflecting broader societal trends related to access to contraception, sex education, and socio-economic factors.

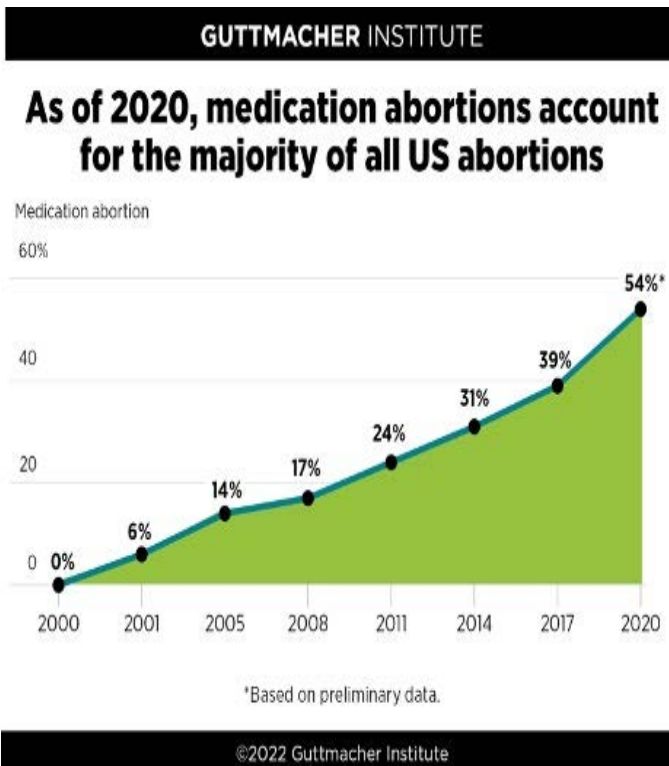
Statistics suggest that 81% of abortions in the U.S. occur among pregnant women in their reproductive years, with a significant proportion of cases involving women aged 20

to 22<sup>15</sup>. Additionally, medication abortion (abortion pills) has become the most common method of pregnancy termination in the country, accounting for 60% of all abortion procedures. The increasing reliance on medication abortion reflects shifts in medical practices, policy changes, and greater accessibility to pharmaceutical options.

<sup>14</sup>Chandrasekaran, S., Key, K., Ow, A., Lindsey, A., Chin, J., Goode, B., Dinh, Q., Choi, I. and Choimorrow, S.Y., 2023. "The role of community and culture in abortion perceptions, decisions, and experiences among Asian Americans". *Frontiers in Public Health*, 10, p.982215.

<sup>15</sup>Pradhan, M.R. and Saikia, D., 2023. "Patterns and correlates of post-abortion complications in India". *BMC Women's Health*, 23(1), p.97.

The rising trend in abortion rates among teenagers and young adults highlights the need for comprehensive reproductive healthcare, better access to contraceptive methods, and improved sex education programs. The dynamics of abortion trends in the U.S. continue to shape national discussions on women's rights, healthcare policies, and state-level regulations. As the country navigates evolving legal and healthcare landscapes, ensuring safe and accessible reproductive services remains a crucial aspect of public health and policy discussions.



**Figure 1.4: Abortion Growth in US people**

(Source:<sup>16</sup>)

California has historically been a significant center for abortion services in the United States, with a high percentage of women seeking abortions since the 19th century. In recent years, medication abortion has become the most commonly used method, accounting for approximately

60% of all abortion cases in the state. The increasing reliance on abortion pills highlights the growing accessibility of pharmaceutical-based pregnancy termination and the shift away from surgical procedures.

Statistics indicate that nearly 99.2% of women in California who seek an abortion have undergone at least two legal abortions in their reproductive years<sup>18</sup>. The state's legal framework has played a significant role in ensuring broad access to reproductive healthcare, with progressive abortion laws allowing women to terminate pregnancies under legally protected medical conditions. The state's abortion policies continue to evolve, providing greater healthcare protections and accessibility, particularly following recent changes in federal abortion rights in the U.S.

In 2023, abortion regulations in the United States were subject to increased scrutiny, with several states imposing new legal restrictions or expanding protections for reproductive rights. In California, legal jurisdictions have maintained strong protections for abortion access, ensuring that women retain the right to make reproductive choices without unnecessary legal barriers. The evolving legal landscape has reinforced California's commitment to reproductive autonomy, while other states have enacted restrictive abortion laws that limit access.

Legal and operational frameworks related to abortion continue to be a subject of intense political and legal debate. The rise in abortion cases has been influenced by factors such as healthcare accessibility, state policies, and the availability of abortion medication. The legal challenges surrounding abortion laws reflect broader discussions on women's rights, public health, and state governance over reproductive decisions<sup>19</sup>.

The use of abortion pills, in particular, has become a focal point in recent abortion debates, with legal battles surrounding their accessibility and regulatory approval. While some states have sought to impose tighter restrictions on medication abortion, others, like California, have taken steps to expand availability and ensure reproductive rights remain protected. The impact of these policies extends beyond legal debates, affecting maternal health outcomes, abortion safety, and public healthcare infrastructure.

<sup>16</sup>Ourbodiesourselves, 2024, "The History of Abortion Law in the United States", <https://www.ourbodiesourselves.org/health-info/u-s-abortion-history/>

<sup>17</sup>Bilimoria, P., Sridhar, M.K. and Sharma, A., "Abortion, Reproductive Rights and the Unborn: Between Tradition and Modernity". In *The Routledge Companion to Indian Ethics* (pp. 108-120). Routledge India.

<sup>18</sup>Kapoor, P., 2023. Exploring Abortion Laws. *Economic & Political Weekly*, 58(29), p.59.

<sup>19</sup>Kaur, J. and Bhardwaj, C., 2023. "Right to Abortion in India: A Critical Appraisal of Legislative and Judicial Initiatives.", *No. 1 Int'l J.L Mgmt. & Human.*, 6, p.2223.



As the U.S. legal system continues to address reproductive healthcare policies, California remains one of the

leading states advocating for abortion rights, emphasizing healthcare access, legal protections, and reproductive justice. Moving forward, the interaction between state and federal laws will play a crucial role in shaping the future of abortion access and women's healthcare rights in the country.

## INDIAN LEGAL HISTORY OF ABORTION

Beyond the United States and Europe, abortion is a significant issue among Indian women as well. In this contemporary era of rapid population growth, abortion rates in India have risen substantially. Historically, the rate of unwanted pregnancies in India has increased from 8% to 22%, contributing to the rise in abortion cases across the country<sup>20</sup>. As a result of this growing trend, abortion has become a critical aspect of reproductive healthcare in India.

Statistical reports indicate that approximately 970,436 abortion cases have been recorded in India in recent years. Between 2015 and 2023, the country has seen a total of 48 million cases of unwanted pregnancies, out of which 21 million pregnancies were terminated through both surgical and non-surgical procedures<sup>21</sup>. The prevalence of abortion has particularly increased in the 21st century, with a significant number of women undergoing surgical procedures to terminate pregnancies. Additionally, teenagers account for a considerable portion of abortion cases, as they face high rates of unintended pregnancies due to limited access to contraception and reproductive education.

Since 2018, the number of abortion cases in India has continued to rise, reaching 15.6 million by the end of 2023, with an annual growth rate of 21.5%. The increasing demand for abortion services has led to the widespread use of both surgical and non-surgical methods<sup>22</sup>. Among the non-surgical approaches, medication abortion

(abortion pills) has become the most common method for terminating unwanted pregnancies in India. Reports

suggest that 81% of unintended pregnancies are addressed through home-based interventions and medication abortion. Furthermore, 60% of women in India reportedly use abortion pills regularly as a means of preventing unwanted pregnancies.

The rising trend of abortion in India highlights the need for enhanced reproductive healthcare policies, improved contraceptive access, and increased awareness programs. While legal provisions under the Medical Termination of Pregnancy (MTP) Act allow for safe abortion services, gaps in healthcare accessibility, societal stigma, and rural healthcare infrastructure continue to pose challenges. Addressing these concerns through education, public health initiatives, and policy reforms is essential to ensuring safe and legal abortion access for Indian women while reducing the overall rate of unintended pregnancies.

FIGURE

**3.2** Among facilities that offer postabortion care but not abortion, lack of trained staff is a main reason for not providing the service.

% of facilities reporting each reason for not providing abortion

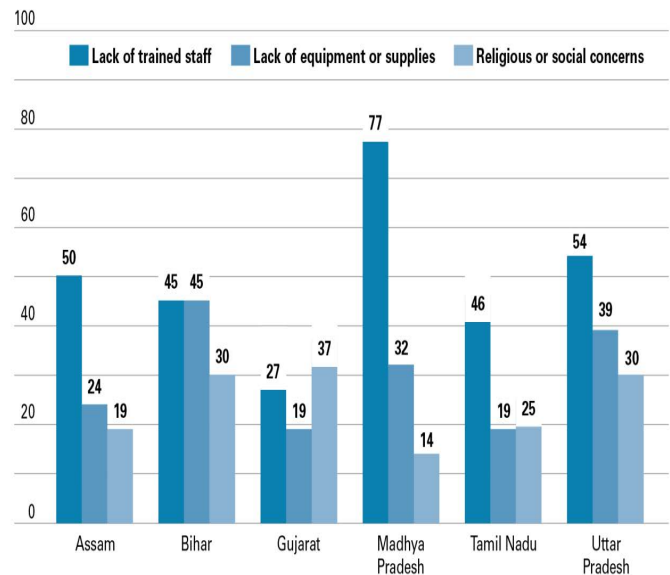


FIGURE 3.2 Source: Health Facilities Survey.

www.guttacher.org

**Figure 1.5:** Abortion History growth in the Indian region

This data represents the historical growth rate of abortion in India, particularly in cases of unwanted pregnancies. Analyzing the regional distribution of abortion rates, it is evident that Madhya Pradesh and Uttar Pradesh have recorded the highest abortion rates in the country. The growth rate of abortion cases in Madhya Pradesh stands

<sup>20</sup>Illathuparampil, M., 2023. "Abortion in India—an Overview". *Zeitschrift für medizinische Ethik*, 69(2), pp.293-300.

<sup>21</sup>Kaur, J. and Bhardwaj, C., 2023. "Right to Abortion in India: A Critical Appraisal of Legislative and Judicial Initiatives". , No. 1 *Int'l JL Mgmt. & Human.*, 6, p.2223.

<sup>22</sup>Natarajan, J. and Sarayu, S., 2023. "Analysis of Abortion Rights under Feminist Jurisprudence". *Issue 1 Indian JL & Legal Rsch.*, 5, p.1.

at 77%, while Uttar Pradesh follows with a 54% increase<sup>23</sup>. These figures indicate a significant rise in abortion cases over recent years, reflecting broader demographic and healthcare trends in India.

The increase in abortion rates in these regions has played a role in population control, though it also highlights deeper socio-economic and cultural challenges. Historically, religious beliefs and patriarchal norms have influenced attitudes toward abortion, often leading to social stigma and restricted access to reproductive healthcare. These barriers have, in turn, contributed to higher maternal mortality rates, as many women resort to unsafe and unregulated abortion procedures due to limited access to medical facilities.

In contrast, medical abortion has emerged as a widely accepted and safer alternative in India. One of the most common abortion methods includes surgical procedures such as suction aspiration, which is commonly performed in legal healthcare settings. The Medical Termination of Pregnancy (MTP) Act of 1971 was introduced to regulate abortion services in India<sup>24</sup>. Initially, the law criminalized abortion in most cases, considering it a punishable offense for both the woman undergoing the procedure and the healthcare provider performing it.

However, with changing societal and medical perspectives, the MTP Act was amended in 2021, expanding the legal provisions for abortion. Under the amended act, women are legally allowed to terminate a pregnancy under specific circumstances, including cases of rape, incest, fetal abnormalities, or risks to maternal health. The 2021 amendment also extended the legal gestational limit for abortion, allowing for greater autonomy and access to reproductive healthcare. Despite these legal advancements, challenges remain in ensuring universal access to safe abortion services, particularly in rural areas where healthcare infrastructure is limited. Addressing these issues requires continued policy reforms, increased public awareness, and improved access to contraception and reproductive health education. By strengthening healthcare accessibility and legal protections, India can further promote safe and responsible abortion practices, reducing the risks associated with unsafe and illegal abortions.

## CONCLUSION

Abortion refers to the termination of pregnancy, a practice that occurs worldwide for various medical, social, and personal reasons. The legality of abortion varies across countries, with some imposing strict restrictions and others providing legal protection for reproductive rights. Despite government regulations, abortion remains a highly debated and controversial issue, influenced by cultural beliefs, religious views, healthcare access, and social norms.

Globally, the rate of abortion has been increasing, primarily due to limited awareness, lack of education, and restricted access to contraception. The abortion rates in the USA and India differ significantly, with India having a higher abortion rate compared to the United States. One of the primary reasons for this discrepancy is gender discrimination in India, where sex-selective abortions—although illegal—continue to be a social concern due to deep-rooted patriarchal traditions. In contrast, the USA has historically allowed greater access to abortion services, though recent legal changes have led to increased restrictions at the state level.

In the United States, abortion laws have undergone significant transformations. While *Roe v. Wade* (1973) initially legalized abortion at the federal level, its overturning in 2022 has led to state-specific regulations, with some states banning abortion entirely while others continue to protect it. The lack of uniform legal standards has raised concerns about women's reproductive rights, healthcare access, and bodily autonomy. Some argue that unregulated access to abortion may pose social and ethical challenges, while others emphasize that restricting abortion infringes on fundamental human rights.

In contrast, India permits abortion under the Medical Termination of Pregnancy (MTP) Act of 1971, which was amended in 2021 to expand access under particular conditions. However, abortion is not available on demand and is allowed only in specific cases, such as when the woman's life is at risk, there are fetal abnormalities, or the pregnancy is a result of rape or incest. The law requires the approval of medical professionals, thereby restricting a woman's ability to make fully autonomous decisions about her pregnancy. Moreover, societal pressures and stigmas often drive women toward unsafe abortion methods, contributing to elevated maternal mortality rates.

The global debate on abortion highlights the complex interplay between law, ethics, healthcare, and human rights. While India and the USA have distinct approaches to abortion regulation, both countries face challenges in ensuring safe and accessible reproductive healthcare. In

<sup>23</sup>Theobald, B., 2023. "Dobbs in Historical Context: The View from Indian Country". *Bulletin of the History of Medicine*, 97(1), pp.39-47.

<sup>24</sup>Jain, D. and Deora, Y.S., 2023. "Law Makers Debating the Right to Abortion in India: Deconstructing Progress". *Indon. J. Int'l & Comp. L.*, 10, p.161.

India, gender discrimination and social stigma continue to influence abortion trends, whereas in the USA, evolving legal frameworks have deepened societal divisions over reproductive rights. To address these challenges, it is crucial to improve reproductive health education, enhance access to contraception, and reduce stigma associated with abortion. Governments should prioritize women's autonomy and well-being, ensuring that abortion laws are

aligned with human rights principles while also considering ethical and social implications. Ultimately, the ability to make informed and private decisions about pregnancy should be a fundamental right, protected by comprehensive healthcare policies and legal frameworks. By advocating for reproductive justice, expanding healthcare access, and fostering open discussions, societies can create a more equitable and compassionate approach to abortion rights worldwide.