

Chapter 10

Empowerment Through Legislation: A Legal Analysis of Women's Sexual and Reproductive Rights in India

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ABSTRACT

Women can be empowered by laws that safeguard and promote their sexual and reproductive rights. The concept of reproductive rights specifies the rights of women to make decisions about their own bodies and health, highlighting the right of choice in reproductive matters. The social and cultural context in India presents a complex and multifaceted view of the concept of reproductive rights of women. Childbearing is viewed as a societal responsibility of women in Indian society. This restricts women's right to make decisions about their own lives by putting pressure on them to have children even if they are not ready. In India, abortion is also frequently seen as a women's issue, and women who choose to have an abortion are stigmatized and discriminated against. Authors propose actionable policy recommendations for an equitable and just society where women's rights are both legally protected and culturally esteemed.

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INTRODUCTION

The concept of women's empowerment is not limited to the process of mainstreaming women or providing them with the necessary tools to participate in the economic and political process; it also encompasses the process of providing women with the tools to have control over every aspect of their lives (Pillai & Anatoliy, 2021). Sexual and reproductive rights are fundamental human rights that have a profound impact on women's empowerment and overall well-being. The sexual and reproductive rights of women are essential human rights that are crucial for their autonomy, health, and overall well-being. In India, the laws regulating these rights have developed over time, mirroring shifts in societal values, medical progress, and global human rights norms.

The Medical Termination of Pregnancy (MTP) Act of 1971 is a significant piece of law in this field that, when it was passed, provided groundbreaking legal justification for abortion under certain circumstances. However, the Act has demonstrated notable shortcomings in light of growing ethical concerns and developments in medical technology. Due to a variety of cultural, political, and social backgrounds, the legal systems that oversee these rights differ greatly around the world. In addition to examining how Indian laws either support or obstruct women's empowerment and access to reproductive healthcare, the authors hope to provide a thorough legal analysis of women's sexual and reproductive rights in India. The primary goals of this comprehensive legal analysis are to provide light on the development of women's sexual and reproductive rights in India and, more significantly, to further the continuing discourse on gender justice and empowerment. In India, recognizing women's sexual and reproductive rights leads to a more just and equal society. Reproductive rights legislation and policies, simple access to healthcare, a robust health infrastructure, and school-based sexual education all contribute to women's empowerment. To paint a complete picture of the current legal environment, the chapter draws on a variety of sources, including as laws, court rulings, and policy papers. Additionally, they provide a sophisticated legal analysis that highlights the critical need to enhance and progress the legislative framework in order to better support and empower women in India.

Even though the Medical Termination of Pregnancy (MTP) Act of 1971 was revolutionary at the time, it now has to be thoroughly reevaluated to ensure that it still meets the needs of the modern world. The Act's absence of clear guidelines for monitoring and authorizing innovative abortion techniques causes people affected to suffer for a longer period of time. The Medical Termination of Pregnancy (Amendment) Act of 2021 was put into effect by the Indian government to address these shortcomings. While this amendment aims to fix some of the shortcomings of the original Act, it leaves out several crucial points. These issues include the practical

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