

ABORTION RIGHTS OF WOMEN PRISONER IS A SOCIAL ISSUE

Sakshi Vashisth*
Dr. Santosh Sharma**

ABSTRACT

The decision of terminate the pregnancy for a woman is not light-hearted. Sometimes termination of pregnancy is not easy situation for a woman, but here's the question is can a women inmate terminate her pregnancy accept rape or sexual offences. In fact the problem of abortion is totally debated issue. Because this matter includes the rights of a fetus or pre-natal or baby. The abortion is unusual for a women because difficult. It is unusual because the human fetus is very kind and the emotional relationship between fetus and a expecting women is very unlike. Especially with female inmates because in lots of matter the female inmates they abort their child just because of their sentence which is very difficult phase for a women because she broken by heart and this abortion is just a scarifies. Sometime it is for her child that she should not want to give birth to her child in the wall of prison because in many jails of India there is no provision for to deliver a baby in hospital. The conflicts are in two basic principles for abortion issue. One is covered under article 21(basically in relation to unborn life, but also in relation to the life of the mother) and second one is individual freedom that is mother's right over her body and on her procreativity and about her life. But according to the time the court rule out the law regarding abortion or end of pregnancy and given findings by their judgements. That it is directed to jail administration not to wait for court orders but to send women inmates to the near by state or district hospital or clinic if they want to come to an end of a pregnancy within the time limit set by law. What procedure is followed by the jail authorities or by medical expert what are the laws for a legal abortion or methods these all are the subjects or issue for debate.

Keywords: *Unborn Life, Abortion Issue, Legal Abortion, Medical Expert.*

Introduction

Do a pregnant inmates who is in jail s have the legal right to decide for prolong her pregnancy or to have an abortion? The straightforward lawful reply is of course she can do. this provide modest , if any, insight into what is actually happen when thousands of prisoners every year must take this decision while she is the living behind walls of prison. But attainment of such situation in any systematic way has long accessible a defy for health professional, researchers and advocate. The methods in which the prisons authorities handle a woman's abortion demands are often secured from public analysis, and they can be extremely varied. Women are imprisoned at the central, state and local levels. According to, policies and practices of detention centre official, and the experiences of pregnant inmate into their custody, may be different vividly from state to state or region to county, and service to service. even though the challenge, understanding women prisoner ability, or incapacity, to access the reproductive healthiness , with abortion , many policies is a key to developing strategy to proceed their reproductive healthiness and the rights. in spite of the legal accords that inca women prisoner must have sufficient right for abortion care, the study demonstrate that lots of correctional staff deny to help such access. if they to do so as they do not know the legal obligation or because they deliberately ignore those obligations, if we want that the lack of abortion access for women inmates then this is needful to educate the correctional policymakers, administrator, health providers and setting organizations. this is the constitutional right of confined prisoner to access abortion health and correctional professionals can go forward, rather than restrain the reproductive health care for women prisoner.

* Research Scholar, Dr. K.N. Modi University, Newai, Tonk, Rajasthan, India.
** Associate Professor, Dr. K.N. Modi University, Newai, Tonk, Rajasthan, India.

Meaning and Definition of Medical Termination of Pregnancy

- **Abortion:** In medical term, an abortion is a hammering of pregnancy due to the premature reproductive of the products of conception (the foetus, fetal membranes, and placenta) from the women uterus due to any cause or reason. An abortion may occur instinctively (termed as miscarriage) or it may be medically induce.
- **Reproductive Freedom:** Difference Between Abortion rights of imprisoned and Non-imprisoned Women

Common Right of Abortion

- **Right to Privacy:** A woman's have right to end her pregnancy was established in the landmark decision of Roe v. Wade." Roe came about as the logical next step in a series of cases propounding the right to privacy, or "The right to be let her alone" These cases, as they affect reproductive freedom, began in 1965 with Griswold v. Connecticut. " Griswold invalidated a law is not allow to the use of birth control devices by marital couple on the theory that government should not interfere with the "intimate relation[s] of husband and wife," which are "intimate to the degree of being sacred.

Legal Basis for Providing Abortions to Inmates

Deliberate unresponsiveness to severe medicinal Needs: The Eighth Amendment prohibits the use of cruel or unusual punishment on prisoners. " This guarantee began as a prohibition on "tortures' and other 'barbarous' methods of punishment," and now includes "punishments which are incompatible with the developing values of decorum that symbol the growth of a maturing society or which "involve the unnecessary and wanton infliction of pain.'

Actual Availability of Abortion to Confined and Non-Confined Women

- Dependency on the Prison System
- Accessibility
- Funding

Policy Considerations

From the foregoing discussion, it is apparent that the government has decided to assist inmates in procuring non-therapeutic abortions, while refusing to assist their non-incarcerated counterparts. The policy reasons for assisting inmates are clear. Administratively, it is easier to deal with a prison population that is uncomplicated by pregnancies. A woman who is pregnant has more needs than a lady who is not pregnant, including better nutrition to support her growing fetus, clothing to fit her changing body, and prenatal care to monitor her pregnancy. Additionally, the time and manner of childbirth cannot be predicted, so toward the end of her pregnancy she will need to be observed closely to ensure that she can receive the requisite medical assistance in the delivery of her baby. Prison officials would probably prefer to have no pregnant women in their charge. Finally, there may be an unspoken policy to encourage inmates to have abortions. Such a policy would be based on the perception of prisoners as socially undesirable. Law-abiding society would be reluctant to see such undesirables reproduce.

A Comparative Study with (U.K.) on Abortion Rights

In the era of Donald Trump, female reproductive system have turn into more civic and synchronized canvases for ethical narratives of women's value as humans. We saw growing legal limits on abortion matters, the deterioration of indemnity treatment for contraception, and a impressive centralized interruption imposing a young woman who is held in custody who having an abortion. But to completely grab the capacity and implication of the women's reproductive bodies under the Trump goverment, we must also be likely to the quieter, more solid spaces in which reproduction is carefully regulated: in particular, institutions. For those who are pregnant and in prisons and even is the jails in the United States, who mainly ignored but within the trapped webs of cerebral violence and reproductive control. In this short essay, I illustrate how the arbitration and restraint of abortion access for prisoners spacificy the intimate violent behaviour imposed by the state on women's bodies, also abortion access among women prisoner reveals the material consequences of rights-based language about abortion promoted by prochoice activists.

The Judicial Activism about Inmates Abortion Right

There is no actual data on the occurrence of termination of pregnancy among women prisoner in the United States. In fact, the most recent estimate of pregnancy occurrence behind bars come from surveys which is conducted by the "Bureau of Justice Statistics in 2002 and 2004 (Maruschak 2006, 2008)". What we do recognize is that jails have contradictory and changeable policies some carceral institutions clearly prohibited abortion at any point, but some allow it only in the first trimester of pregnancy, when others

permitted it only when there is a danger to the woman's health and condition, and some allow it under most circumstances (Roth 2004; Sufrin, Creinin, and Chang 2009). The inconsistency in prison abortion policies, along with differences and how they implement, tells a deeper story about the way of women's prisoner reproductive bodies are put in the service and this of this power is in the hands of prison wardens and others to exercise their moral claims on human reproduction.

Separate prison cell is allowed to that women who is going to give birth while she is in custody to take their child back to prison with her. Research publications claim that women who participate in these programs have lower reincarceration rates (Goshin, Byrne, and Henninger 2014). So it seems that there is at least crime-detering potential, thus serving a logical interest.

Serious Medical Needs

The second judicial principle applied to incarcerated women's ability to obtain abortions is that, owing to the Supreme Court case *Estelle v. Gamble* (429 U.S. 97 [1976]), institutions for confinement are constitutionally needs to provide proper health care services to the people who are incarcerates. "The purposeful indifference to the grave medical requirements for prisoners," Justice Thurgood Marshall argued that in the Court's decision, constitute mean and curious punishment and therefore a violation of the 8th Amendment.

Reasons of Abortion

- **To Keep the Life of the Female Carrying a Pre-natal Organism**

There may be a danger to the life of the woman who carrying a prenatal organism pose by the later. In certain severe cases, if the pre-natal human being is allowed to develop normally and come to the term, the woman carrying the pre-natal organism herself will also die. This is sometimes treat as a lawful reason to look for an abortion.

- **To Save the Physical Health or Comfort of the Woman Carrying a Pre-natal Organism**

Pregnancy may severely cause danger to women in certain cases, the physical or mental health of the woman will also affect by carrying a pre-natal organism in case the pregnancy is allowed to continue.

- **To Avoid Social Stigma of Illegitimacy**

When the woman carrying a baby in her womb if she is unmarried there is a high chance of a social stigma of illegitimacy. Usually an unwanted child suffers from physical or spiritual deficiency, and this may grow up to be a problem for him or for society.

- **Validation for Abortion from Right to Body Outlook**

The supporters of the 'right to body argument' do not allow any space to the pre-natal organism beyond the body of the woman carrying that prenatal organism. Therefore, for them, the woman carrying a pre-natal organism enjoys natural right on the pre-natal organism as a part of her body and she can do anything with that part of her body.

Conclusion

As a multi-disciplinary issue of controversy abortion has wide dimensions. It perhaps had been the most controversial social, legal, political, medical and moral issue in almost in all parts of the world during the late 20th century. Our research on abortion in the entire thesis has remained confined simply to purposeful termination of women pregnancy; and therefore, the term abortion has been used here only in the sense of deliberate termination of human pregnancy. In India, the abortion has become duly legalized with the enforcement of the "Medical Termination of Pregnancy Act of 1971" in April 1972; the provisions of which act have been revised in 1975. We have seen that the morality and legality of abortion is an important subject in applied ethics. The scholars of law, theologians, sociologists and historians also discuss this subject. The critics and defenders of abortion (obviously Induced abortions) disagree basically on the following two basic question: . Is abortion moral or immoral? and . Should abortion be legal or illegal? In principle, these are two types of importantly distinct questions. Morality is closely related to socially important customs, law and etiquette. But morality demands a whole way of life governed by acceptable principles and motives, law and etiquette do not necessarily demand such a whole way of life. We have also seen that any discussion on the moral acceptability of abortion mainly revolves around two issues, viz. c) biological development and moral status of a human foetus, and d) justification of the reasons usually offered to seek an abortion. Now at the end of the research we find that having dealt with almost all the concerned conflicting views on these two issues we have got reasonable answers to almost all relevant questions. Last, but not least, as a full-fledged member of human community and as a moral subject a human prenatal organism is very much a member of the moral community, i.e. the community of human persons having moral status with right to life and under certain conditions deliberate acts of whom can be pertaining to morality.

Sl. No. of Reason	Reasons usually given as the legitimate grounds for abortion	Why are these not justified on the ground of the above stated basic philosophical position on the moral status of prenatal organism and abortion?
Woman-centric Reasons		
Reason-1	To save the life of the woman carrying a pre-natal organism.	A prenatal organism deserves to be considered as having higher moral status than its mother on the ground that it is more innocent than the later and also the offspring of the later. Hence, saving the life of the woman carrying the pre-natal organism at the cost of the life of the prenatal organism can not be justified.
Reason-2	Because of the age of the woman carrying a pre-natal organism.	It is the moral responsibility of the society and the state to protect the life and interests (including dignity and wellbeing) of each individual born or preborn.
Reason-3	To preserve the physical health or well-being of the woman carrying a pre-natal organism.	Same as that of Reason-1 and Reason-2

In India a zallad is person appointed by the state to execute physically the sentence to death awarded by a court of justice to a criminal by hanging him to neck till death. The zallad (official killer) only carries out the orders of the state passed though a court of justice. Hence, he/she deserves respect from the people of the country. But we know that a zallad never gets honour and respect from the people, on the contrary he/she is looked at from the eyes of law. It is really a wonder why the surgeons, who perform thousands of abortion, get honour and respect from the people? Because, like a zallad he may be an officially empowered killer, yet unlike a zallad he brutally kills perfectly innocent human beings. It is an astonishing fact that for killing a small number of convicts as per order of the state a zallad is cursed to an inhuman life of public hatred, whereas by brutally killing a huge number of perfectly innocent human beings a surgeon get honour and respect from the people. The purpose of writing this thesis is not to prove the brutality of the brutal than the brutes and devils, but to save the lives of the millions of preborn humans, who could grow up as great men. Let the unsounded cries of the millions of pre-born humans“ mammy, daddy.....please kill me not” enter the ears of those humans who plead for killing them, who are about to kill them and who are about to assist others in killing them. So, we should conclude by saying once again,"

"Do Not Harm"

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