

Artificial Wombs, Bodily Integrity, and Indian Abortion Law

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Abstract

Artificial Womb Technology (AWT) also known as ectogenesis, is a new reproductive technology that can help fetal development outside the human body. It has potential medical uses, especially in premature babies, but it also poses serious legal and ethical issues about women's reproductive freedom. The purpose of this paper is to explore whether Artificial Womb Technology poses any threat to the right to abortion of Indian women or such concerns are purely imaginary.

Keywords: Artificial Womb technology; Ectogenesis; reproductive rights, abortion rights, reproductive justice

Introduction

In India abortion law is regulated by the Medical Termination of Pregnancy Act, 2021. Section 3 of the act deals with ground when medically termination of pregnancy will be allowed [1]. Abortion rights of women in one the important right given to them and it's a part of reproductive right. Also, denial of abortion right will amount to violation of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Conference on Population and Development (ICPD)[2]. Even judiciary in many cases accept that *"the decision to give birth to and raise a child is formed by one's material circumstances, which includes the situational, social and financial circumstances of a woman and her family and each of these is relevant to her decision to carry the pregnancy to term"*[3]. In many international cases also, it has been decided that abortion right is the one of the important right of women and curtailing it will amount to be violation of reproductive right [4].

But the with development of AWT many bioethical and legal scholars believes that artificial womb technology has the potential to challenge abortion rights that are grounded in arguments of bodily autonomy. This is because a pregnant individual could opt to transfer the foetus to an artificial womb rather than terminate the pregnancy [5]. Many people think that ectogenesis has the potential to change or even end the debate on abortion, as it would enable the removal of the foetus and its maintenance outside the human body without killing it. Gestation outside the womb (ectogenesis) may be feasible, providing an alternative to abortion [6].

Related work

Elselijn Kingma emphasizes that the possibilities of ectogenesis present new questions of reproductive autonomy for women. The work draws attention to issues that artificial womb technology (AWT) might affect the abortion rights debates as they involve the concept of fetal personhood and the moral status of the fetus[7]. In like manner, Elizabeth Chloe Romanis argues that AWT has the potential to offer another reproductive option for women with risk pregnancies who wish for such a choice. But she says it is important to not consider AWT as an alternative to abortion, because currently, it is not possible to support the embryos at the early stage, and most abortions are performed before 13 weeks of pregnancy. Thus, using AWT as an alternative to abortion is not a scientifically sound or legal measure[7].

Key Contribution

It is certain that Artificial Womb Technology (AWT) can save the lives of premature babies. The same technology, however, can be a great danger to women's reproductive autonomy. In the future, women might have to continue with the pregnancy with the baby placed in an artificial womb rather than giving it the option of abortion. Should this ever happen, there will be significant ethical and legal issues, especially if AWT is marketed as a substitute for abortion. This research will explore this new phenomenon through a medico-legal analysis, and specifically its implications to women's reproductive rights as well as abortion rights.

Method, Experiments and Results

The present study was basically a medico-legal analysis, in which the legal status and the existing position of women's right on abortion in India was explored, and the possibility of the impact of Artificial Womb Technology (AWT) on the women's right on abortion was discussed. To accomplish this goal, the researcher has used a non-empirical research method. Sources used are books, academic journals, research articles, government reports, international legal instruments and newspapers. The results of the study show, from the analysis of these sources, that there is no doubt to AWT has a great potential in medicine to improve the neonatal care, to save the life of extremely premature babies. At the current state of technology and law, however, AWT is not an immediate threat to women's ability to have abortions because AWT is used to help the fetus grow outside the human body, while an abortion is meant to end a pregnancy. Moreover, forcing a woman to continue her pregnancy or refusing to let her have a legal abortion because of the availability of AWT would be an infringement of her reproductive autonomy and would run counter to international human rights principles, such as those at the heart of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Programme of Action of the International Conference on Population and Development (ICPD), 1994.

Discussions

From the medico-legal analysis carried out during this study, it can be seen that Artificial Womb Technology (AWT) is not an alternative to abortion, but rather an additional neonatal technology that will aid in the survival of premature babies. The study indicates that although AWT has medical transformative potential, more focus needs to be paid in the future to ensure ethical safeguards, informed consent, women's reproductive autonomy, and protection against state or institutional

coercion in the regulation of this technology. If left unregulated by law and ethics, artificial wombs may turn into another way to control and exploit reproduction, instead of promoting reproductive justice. But for now, AWT is not a serious cause of concerns for the abortion rights of Indian women, as the Medical Termination of Pregnancy (Amendment) Act, 2021 continue to protect the rights of women in India along with judiciary.

Conclusions

Therefore, it can be safely concluded that Artificial Womb Technology (AWT) and abortion have entirely different medical and legal purposes. It would be wrong to say that AWT limits or endangers women's right to abortion in the present situation. The Government, though, as AWT keeps evolving, requires a robust legal and regulatory framework to ensure proper ethical use and not misused so as to affect women's reproductive autonomy or their rights.

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