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**REPRODUCTIVE RIGHTS OF WOMEN IN INDIA: CHALLENGES
AND LEGAL SAFEGUARDS**

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ABSTRACT:

Women are one of the most vulnerable sections of society, despite the existence of numerous laws and policies aimed at protecting their rights and dignity. Even in the present era, women continue to face various social, economic, and health-related challenges that affect their overall well-being. One of the most sensitive and significant issues concerning women today is reproductive health and reproductive rights.

This article primarily highlights the importance of reproductive healthcare and the major challenges faced by women in accessing proper reproductive health services. It also focuses on the legal and constitutional protections related to women's reproductive rights and examines the role of laws and government policies in safeguarding women's health and dignity. Furthermore, the article suggests important measures for improving women's healthcare facilities, awareness, and access to reproductive services in order to ensure a healthier and more empowered society.

Keywords: Women's health, Reproductive Rights, Gender equality

INTRODUCTION

Women's health and reproductive rights are important aspects of human rights, social justice, and gender equality. They focus on the physical, mental, and social well-being of women in matters related to sexuality, reproduction, and personal decision-making. These rights allow women to make informed choices regarding marriage, pregnancy, family planning, and

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healthcare without fear of discrimination, coercion, or violence. Therefore, reproductive rights are closely connected with dignity, freedom, and women's empowerment.

At the international level, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations in 1979, recognizes women's access to healthcare and reproductive services as a basic human right. Article 12 of CEDAW directs member states to ensure equal access to maternal healthcare, family planning services, and medical facilities for women. As a signatory to CEDAW, India has a responsibility to protect and promote women's reproductive rights through constitutional safeguards, legislation, and welfare programmes.

Despite legal and policy developments, many women in India continue to face barriers such as poverty, illiteracy, gender discrimination, social stigma, child marriage, and inadequate healthcare infrastructure. These problems often result in poor maternal health, lack of menstrual hygiene, limited awareness about reproductive healthcare, and restricted access to medical services, particularly in rural and marginalized communities.

Proper reproductive healthcare contributes to safe motherhood, disease prevention, family welfare, and overall social development. Access to healthcare services, education, and awareness enables women to participate more effectively in education, employment, and public life. Thus, protecting women's health and reproductive rights is essential for building an inclusive, healthy, and progressive society.

What is women's health?

Women's health covers all aspects of physical, mental, and social well-being specific to or differentially experienced by women, including menstrual health, sexual health, fertility, maternal health, menopause, and non-reproductive issues like heart disease and mental health. It emphasizes that health is not just "no disease," but includes respectful, non-judgmental care and the ability to make informed decisions about one's body.³

For women this also means accessible primary care, screenings (for example breast and cervical cancer), mental-health support, and protection from violence and unsafe environments.⁴

What are reproductive rights?

³Office of the United Nations High Commissioner for Human Rights, "Sexual and Reproductive Health and Rights," available at: <https://www.ohchr.org/en/women/sexual-and-reproductive-health-and-rights> (last visited on May 20, 2026).

⁴Human Rights Watch, "Reproductive Rights," available at: <https://www.hrw.org/topic/womens-rights/reproductive-rights> (last visited on May 20, 2026).

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Reproductive rights are human rights that guarantee people, especially women, the freedom to make decisions about their own reproduction and sexuality without coercion, discrimination, or violence. They include:

- a) The right to decide if and when to have children.
- b) The right to access contraception, fertility care, and safe abortion services where legal.
- c) The right to safe pregnancy and childbirth care, as well as treatment for sexually transmitted infections (STIs).

International human-rights bodies stress that reproductive rights are linked to the right to health, privacy, freedom from torture or ill-treatment, education, and non-discrimination.⁵

IMPORTANCE OF REPRODUCTIVE HEALTHCARE FOR WOMEN

One major benefit of reproductive healthcare is the prevention of maternal mortality. Many women, especially in rural areas, face complications during pregnancy due to inadequate healthcare facilities. According to the World Health Organization, regular checkups, skilled healthcare workers, and proper nutrition can reduce maternal deaths. In India, schemes like Janani Suraksha Yojana have encouraged safer institutional deliveries.

Reproductive healthcare also helps prevent sexually transmitted infections (STIs) such as HIV/AIDS and provides awareness about safe sexual practices. Campaigns by the National AIDS Control Organisation have improved awareness regarding HIV prevention among women and youth.

Family planning services and contraception allow women to make informed decisions about childbirth and reduce unwanted pregnancies. Menstrual hygiene support is equally important, as lack of awareness and sanitary products can lead to infections and school absenteeism. The work of Arunachalam Murugantham helped promote affordable sanitary pads and menstrual awareness in rural India.

Access to safe abortion services, sexual health education, and early detection of diseases such as cervical cancer and PCOS are also important aspects of reproductive healthcare. In India,

⁵Office of the United Nations High Commissioner for Human Rights, National Human Rights Institutions: History, Principles, Roles and Responsibilities, available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/NHRIHandbook.pdf> (last visited on May 28, 2026).

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the Medical Termination of Pregnancy Act provides legal access to safe abortion under certain conditions.

Good reproductive healthcare empowers women socially and economically by enabling them to participate actively in education, employment, and community development. Thus, reproductive healthcare is essential for women's empowerment and national progress.

MAJOR CHALLENGES FACED BY WOMEN IN ACCESSING REPRODUCTIVE HEALTH SERVICES

Despite improvements in healthcare facilities and government programmes, many women in India still face difficulties in accessing reproductive healthcare services. These problems are more common among poor, rural, tribal, and marginalized women. Poverty, social stigma, lack of awareness, and gender inequality continue to affect women's reproductive health and rights.

(a) Poor Health Literacy among Women

Many women, especially in rural areas, lack proper knowledge about reproductive health, menstrual hygiene, contraception, pregnancy care, and legal rights. Social taboos often prevent open discussion about menstruation and sexual health.

For example, many girls still use unsafe materials during menstruation due to lack of awareness and affordability of sanitary products. The work of Arunachalam Muruganatham highlighted the poor menstrual hygiene conditions faced by rural women in India.

According to the United Nations Population Fund, women who are poor, less educated, and living in rural communities face greater barriers in accessing reproductive healthcare and family planning services.⁶

(b) Poverty and Financial Constraints

Financial difficulties prevent many women from receiving proper medical care. Poor families often cannot afford medicines, hospital expenses, nutritious food, or transportation to healthcare centers. As a result, many women avoid medical checkups or deliver babies at home without skilled assistance.

In remote areas of Bihar, Assam, and Jharkhand, pregnant women sometimes travel long distances for treatment, and delays in healthcare can lead to serious complications.

⁶United Nations Population Fund (UNFPA) India, "Analysis of Sexual and Reproductive Health Inequities in India: A Big Push to Leave No One Behind," available at: <https://india.unfpa.org/en/publications/analysis-sexual-and-reproductive-health-inequities-india-big-push-leave-no-one-behind> (last visited on May 21, 2026). For general queries or to submit your research for publication, kindly email us at ijalr.editorial@gmail.com

Studies in India show that even though public maternal healthcare services are supposed to be free, families still spend money on medicines, tests, transportation, and hospital stays.⁷

(c) Social and Cultural Barriers

Traditional beliefs and patriarchal attitudes restrict women's reproductive choices. In many communities, women hesitate to discuss menstruation, contraception, infertility, or sexual health openly. Child marriage and pressure to give birth to male children also negatively affect women's health.

Many young girls become pregnant at an early age, increasing the risks of anemia, malnutrition, and maternal complications. Menstrual stigma and social restrictions during menstruation continue in several parts of India.

The cultural taboos and social stigma significantly reduce women's willingness to seek reproductive healthcare services.⁸

(d) Inadequate Healthcare Facilities

Many rural and tribal areas lack hospitals, gynecologists, trained nurses, medicines, and emergency maternity services. Women in remote regions often depend on poorly equipped health centers and may travel long distances to access institutional delivery facilities.

According to the National Family Health Survey (NFHS), access to antenatal care, skilled birth attendance, and postnatal care remains lower in rural areas compared to urban regions.

India has improved institutional deliveries and reduced maternal mortality, but gaps in quality maternal healthcare still remain.⁹

(e) Gender Inequality and Violence

Gender discrimination limits women's control over reproductive decisions. In many families, women cannot independently decide about contraception, healthcare, or pregnancy.

Domestic violence and sexual abuse also affect women's physical and mental health, leading to unwanted pregnancies, miscarriages, infections, and emotional trauma. Women facing violence often avoid seeking healthcare due to fear, financial dependence, and social pressure.

⁷"Price of Pregnancy: Who Pays for Motherhood in India?," The Times of India, May 18, 2026, available at: <https://timesofindia.indiatimes.com/india/price-of-pregnancy-who-pays-for-motherhood-in-india/articleshow/131092723.cms> (last visited on May 28, 2026).

⁸"Analysis of Sexual and Reproductive Health Inequities in India," available at: <https://arxiv.org/abs/2502.15939> (last visited on May 26, 2026).

⁹"From Evidence to Action: The Gaps in India's Maternal Care," The Times of India, May 18, 2026, available at: <https://timesofindia.indiatimes.com/india/from-evidence-to-action-the-gaps-in-indias-maternal-care/articleshow/131089286.cms> (last visited on May 28, 2026).

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These challenges show that reproductive healthcare is not only a medical issue but also a matter of equality, dignity, and women's autonomy.¹⁰

LEGAL AND CONSTITUTIONAL PROTECTIONS RELATED TO WOMEN'S REPRODUCTIVE RIGHTS

Women's reproductive rights are closely connected with human dignity, equality, health, and personal liberty. In India, the Constitution and various laws provide protection to ensure women's access to reproductive healthcare, maternity benefits, and protection from discrimination and violence. These safeguards promote women's physical and mental well-being and support gender justice.

a) **Constitutional Protections**

Article 14 – Right to Equality

Article 14 of the Constitution guarantees equality before law and equal protection of laws. It ensures that women have equal rights in matters related to healthcare, employment, and personal liberty. This provision forms the basis for laws and policies promoting women's reproductive health and rights.

Article 15 – Prohibition of Discrimination

Article 15 prohibits discrimination on the grounds of sex, religion, caste, race, or place of birth. It also permits the State to make special provisions for women and children. Many maternity and welfare schemes for women are supported under Article 15(3).

Article 21 – Right to Life and Personal Liberty

Article 21 protects the right to life and personal liberty. The Supreme Court, in *Suchita Srivastava v. Chandigarh Administration*, interpreted this Article to include the rights to health, privacy, dignity, and reproductive choice.

Article 42 – Maternity Relief and Humane Working Conditions

Article 42 directs the State to provide humane working conditions and maternity relief for women workers. This provision became the foundation for laws like the Maternity Benefit Act, which protects the rights of working mothers.

¹⁰Reddit User Discussion, "Indian Feminism," Reddit, available at:

<https://www.reddit.com/r/IndianFeminism/comments/1lr74xp> (last visited on May 28, 2026).

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b) Important Laws and Policies

Medical Termination of Pregnancy (MTP) Act, 1971

Medical Termination of Pregnancy Act was enacted to provide safe and legal abortion services under specific conditions. The Act allows abortion in situations such as:

- Risk to the mother's physical or mental health
- Pregnancy caused by rape
- Failure of contraceptive methods
- Serious fetal abnormalities

The law was amended in 2021 to extend the upper limit for abortion in certain special cases and to improve women's access to safe medical care.

The Act helps reduce unsafe abortions, which are a major cause of maternal mortality.

Maternity Benefit Act, 1961

Maternity Benefit Act protects the employment and maternity rights of working women. The Act provides:

- Paid maternity leave
- Nursing breaks
- Protection from dismissal during pregnancy
- Medical bonus and related benefits

After the 2017 amendment, maternity leave in many sectors was increased from 12 weeks to 26 weeks. This law supports women's health during pregnancy and childbirth and encourages safe motherhood.

Protection of Women from Domestic Violence Act, 2005

Protection of Women from Domestic Violence Act protects women from physical, emotional, verbal, sexual, and economic abuse within households.

Domestic violence can severely affect women's reproductive and mental health. Pregnant women facing abuse may suffer miscarriages, depression, injuries, or complications during pregnancy. This law provides legal remedies such as protection orders, residence rights, and financial support.

Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994

Pre-Conception and Pre-Natal Diagnostic Techniques Act was enacted to prevent sex-selective abortions and misuse of prenatal diagnostic technologies.

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The law prohibits doctors and clinics from revealing the sex of a fetus before birth. It aims to protect the girl child and prevent female foeticide, which became a serious social problem in India due to son preference.

The Act also regulates ultrasound clinics and diagnostic centers to prevent illegal practices.

c) **Government Programmes and scheme**

Janani Suraksha Yojana (JSY)

National Health Mission launched Janani Suraksha Yojana to reduce maternal and infant mortality by encouraging institutional deliveries among poor pregnant women.

Under this scheme:

- Pregnant women receive financial assistance
- Free delivery services are promoted
- Rural women are encouraged to deliver babies in hospitals

This programme has helped increase institutional deliveries, especially in rural India.

National Health Mission (NHM)

The National Health Mission works to strengthen healthcare infrastructure and improve maternal and reproductive healthcare services across India.

It focuses on:

- Antenatal and postnatal care
- Immunization
- Family planning services
- Reproductive and child healthcare
- Rural healthcare facilities

The programme has played an important role in reducing maternal mortality and improving healthcare access in remote areas.

JUDICIAL INTERPRETATIONS REGARDING WOMEN'S HEALTH AND REPRODUCTIVE RIGHTS IN INDIA

The Indian judiciary, especially the Supreme Court of India, has played a significant role in protecting and expanding women's reproductive rights, dignity, bodily autonomy, and healthcare rights. Several landmark judgments have interpreted constitutional rights such as equality, privacy, dignity, and personal liberty in favor of women's reproductive freedom.

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1. Suchita Srivastava v. Chandigarh Administration¹¹

Suchita Srivastava v. Chandigarh Administration is one of the most important judgments related to reproductive rights in India.

The case involved a mentally challenged woman living in a government welfare institution who became pregnant after alleged sexual assault. The Chandigarh Administration sought permission for termination of her pregnancy without her consent.

The Supreme Court held that a woman's right to make reproductive choices is a part of personal liberty under Article 21 of the Constitution. The Court emphasized:

- Reproductive autonomy and bodily integrity
- Right to privacy and dignity
- Importance of informed consent

The Court ruled that pregnancy could not be terminated without the woman's consent merely because she had a mental disability.

This judgment recognized reproductive choice as a fundamental right and became the foundation for later reproductive rights cases in India.

2. Justice K.S. Puttaswamy v. Union of India¹²

Justice K.S. Puttaswamy v. Union of India recognized the Right to Privacy as a fundamental right under Article 21.

Importance for Women's Reproductive Rights

The Court held that privacy includes:

- Bodily autonomy
- Decisional autonomy
- Reproductive choice
- Sexual orientation and personal dignity

This judgment became an important constitutional basis for protecting women's reproductive decisions and healthcare privacy.

3. Devika Biswas v. Union of India¹³

Devika Biswas v. Union of India dealt with unsafe sterilization camps organized by state authorities, especially in rural areas. The case became important after several women died in Chhattisgarh due to poorly conducted sterilization surgeries in unhygienic conditions.

¹¹AIR 2010 SC 235: (2009) 9 SCC 1.

¹²AIR 2017 SC 4161: (2017) 10 SCC 1.

¹³AIR 2016 SC 4657: (2016) 10 SCC 726.

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Women were forced or pressured to undergo sterilization procedures without proper medical care, counseling, or informed consent. Many camps lacked basic healthcare facilities and safety standards.

The Supreme Court condemned unsafe sterilization practices and held that women's reproductive rights are part of Article 21 (Right to Life). The Court directed governments to:

- Ensure informed consent
- Improve reproductive healthcare services
- Stop unsafe sterilization camps
- Protect women from coercive population control measures

The judgment emphasized that reproductive healthcare must respect women's dignity, safety, and bodily autonomy.

4. Laxmi Mandal v. DeenDayalHarinagar Hospital¹⁴

Laxmi Mandal v. DeenDayalHarinagar Hospital recognized maternal healthcare as a constitutional right.

Poor pregnant women were denied proper treatment and emergency maternal healthcare by government hospitals in Delhi. Due to negligence and delay in treatment, serious complications occurred, including the death of a newborn child.

The Delhi High Court held that denial of maternal healthcare violates Article 21 (Right to Life). The Court stated that the government has a duty to provide proper maternal healthcare services to women, especially poor pregnant women.

The case linked maternal healthcare with:

- Right to life
- Human dignity
- Government responsibility toward pregnant women

It highlighted the problems faced by poor women in accessing timely healthcare during pregnancy and childbirth.

MEASURES FOR IMPROVING WOMEN'S HEALTH AND AWARENESS

Improving women's health and reproductive rights is essential for building a healthy and progressive society. In India, many women still face problems such as lack of healthcare facilities, poverty, gender discrimination, illiteracy, and social stigma related to reproductive

¹⁴AIR 2010 Del 98: 2010 SCC Online Del 417.

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health. Therefore, both the government and society must take effective steps to improve women's health awareness and access to healthcare services.

1. Increase Awareness and Education

One of the most important measures is spreading awareness about menstrual hygiene, reproductive health, family planning, nutrition, and legal rights. In many parts of Indian society, especially rural areas, women and girls still hesitate to discuss menstruation and reproductive issues openly due to social taboos and lack of education.

Awareness programmes should be conducted through schools, colleges, anganwadi centers, village meetings, social media, and community health campaigns. Sex education and reproductive health education should also be included in school curricula so that young girls can understand their health needs from an early age.

For example, campaigns like "Beti Bachao Beti Padhao" and menstrual hygiene awareness drives have helped improve understanding among adolescent girls in India. The efforts of social activists such as Arunachalam Muruganatham have also encouraged discussions on menstrual hygiene and affordable sanitary products.

2. Improve Healthcare Facilities

India must strengthen its healthcare infrastructure, particularly in rural and remote areas where women often lack access to proper medical services. Many villages still suffer from shortages of hospitals, gynecologists, female doctors, medicines, ambulances, and maternity care facilities.

The government should establish more primary health centers, maternal care units, and mobile medical clinics in rural and tribal regions. Hospitals should be equipped with trained healthcare workers, emergency services, and modern medical equipment.

For example, under the National Health Mission, rural healthcare services and maternal healthcare facilities have improved in several states, but many regions still require better implementation and monitoring.

Improved healthcare facilities can help reduce maternal mortality, anemia, malnutrition, and complications during pregnancy and childbirth.

3. Promote Gender Equality

Gender equality is necessary for improving women's health and reproductive rights. In many Indian families, women are not allowed to make independent decisions regarding healthcare,

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education, marriage, or family planning. Patriarchal attitudes and son preference continue to affect women's dignity and freedom.

Society should encourage equal participation of women in family and social decision-making. Girls should receive equal educational opportunities, proper nutrition, and healthcare facilities from childhood.

Awareness programmes should also educate men and community leaders about respecting women's rights and supporting reproductive health decisions. When women have equal status in society, they are more likely to seek healthcare services and make informed reproductive choices.

4. Ensure Affordable Healthcare

Many poor women in India cannot afford medical treatment, medicines, sanitary pads, nutritious food, or transportation to hospitals. Therefore, reproductive healthcare services should be made affordable and accessible to all women, especially those belonging to economically weaker sections.

The government should provide:

- Free maternal healthcare services
- Free contraceptives and medicines
- Affordable sanitary products
- Free vaccination and nutrition programmes
- Financial assistance for pregnant women

Schemes like Janani Suraksha Yojana and Pradhan MantriMatruVandana Yojana have provided financial support and encouraged institutional deliveries among poor women. However, awareness and proper implementation of these schemes are still needed in many rural areas.

Affordable healthcare can help reduce unsafe pregnancies, maternal deaths, and reproductive diseases among women.

5. Strengthen Legal Protection

Strong legal protection is essential for safeguarding women's reproductive rights and dignity. Laws related to domestic violence, child marriage, workplace harassment, maternity benefits, and sex-selective abortion must be strictly implemented.

Women should also be educated about their constitutional and legal rights so they can seek justice against discrimination, abuse, and exploitation.

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For example:

- Protection of Women from Domestic Violence Act protects women from abuse within households.
- Medical Termination of Pregnancy Act provides legal access to safe abortion under certain conditions.
- Pre-Conception and Pre-Natal Diagnostic Techniques Act prevents female foeticide and sex-selective abortion.

Strict enforcement of these laws can help create a safer and healthier environment for women in Indian society.

6. Encourage Government and NGO Participation

Government institutions and non-governmental organizations (NGOs) should work together to improve women's health awareness and welfare. NGOs play an important role in reaching poor and marginalized women through awareness campaigns, free medical camps, counseling services, and educational programmes.

Organizations working in rural India have helped women understand:

- Menstrual hygiene
- Family planning
- Maternal healthcare
- Nutrition
- Legal rights
- Prevention of domestic violence

Government programmes should collaborate with local NGOs, self-help groups, schools, and healthcare workers to ensure that reproductive healthcare services reach every woman, including those in remote and tribal communities.

CONCLUSION

Women's health and reproductive rights play a vital role in promoting gender equality, human dignity, and social progress. Proper access to healthcare, education, nutrition, and legal safeguards enables women to live healthier and safer lives. Despite various laws and government welfare programmes in India, many women continue to face difficulties such as poverty, social discrimination, limited awareness, and inadequate medical facilities.

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Ensuring reproductive rights allows women to make informed choices about their health and future. Therefore, increasing awareness, improving healthcare services, effectively implementing laws, and encouraging support from the government, NGOs, and society are essential for the protection and empowerment of women in India.

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