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Reproductive Coercion as Sexual Violence: Gaps in Criminal Law

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Reproductive coercion refers to conduct that interferes with an individual's autonomous reproductive choices through force, manipulation, intimidation, or control. Such conduct may include forced pregnancy, sabotage of contraception, coerced abortion, or pressure to conceive or terminate a pregnancy against one's will. Despite its profound impact on bodily integrity, dignity, and sexual autonomy, reproductive coercion remains largely invisible within traditional frameworks of criminal law. This article argues that reproductive coercion constitutes a distinct and serious form of sexual violence, as it directly undermines consent and reproductive self-determination, which are central to sexual autonomy.

The paper critically examines the existing criminal law framework in India to highlight the absence of specific legal recognition of reproductive coercion as a criminal offence. While certain acts associated with reproductive coercion may be addressed indirectly through provisions relating to cruelty, causing miscarriage, criminal intimidation, or domestic violence, these fragmented remedies fail to capture the sexual and autonomy-based nature of the harm. The marital rape exception and the limited understanding of consent further exacerbate the legal vacuum, particularly within intimate relationships where reproductive coercion is most prevalent.

By analysing constitutional principles, feminist legal theory, and international human rights standards, the article exposes significant doctrinal and practical gaps in criminal law's response to reproductive coercion. It contends that the failure to criminalise such conduct reflects a broader reluctance to recognise reproductive autonomy as an enforceable dimension of sexual freedom. The article concludes by advocating for a reoriented criminal law approach that recognises reproductive coercion as sexual violence and calls for nuanced legal reforms to ensure meaningful protection and accountability.

Keywords: *reproductive coercion, sexual violence, reproductive autonomy, consent, marital rape.*

INTRODUCTION: AN OVERVIEW OF REPRODUCTIVE COERCION

Understanding reproductive coercion means looking at how someone can affect another person's free and informed decision-making about when or how to have children. When a partner is pressured into becoming pregnant, for example, that person may feel that this behaviour is an abuse of their partner's agency. Other forms of reproductive coercion include ruining a person's method of contraception, forcing someone to have or terminate a pregnancy, or using threats, surveillance and/or manipulation[1] to take control of someone's reproductive decisions.[2]

Reproductive coercion is different from physical violence in that it is often relational and lasting rather than being an isolated incident of violence. The lack of physical violence does not mean that reproductive coercion does not cause harm. Reproductive coercion harms a person because it obstructs the free choice of an individual about when or if to have children.

Another unique aspect of reproductive coercion is that it denies an individual the ability to control their own reproductive life and future.[3] While existing criminal laws may address this behaviour through other forms of crime (e.g., cruelty, intimidation, domestic violence or false imprisonment), reproductive coercion does not exist as a unique type of sexual violence or gendered violence in its own right. Because reproductive coercion is typically addressed through separate offences in relation to other forms of violence, it does not fully illustrate the autonomy-denying nature of the harm from this form of violence or create a framework for proper legal liability and accountability.

A Fundamental Human Right: A broad conception of human rights includes reproductive autonomy, as it supports equal treatment, privacy, the right to make decisions, and respect for one's own body. Having power over the way your life develops, as well as the timing of having children, is one of the most basic components of control over one's body, as well as

[1] Elizabeth Miller et al., 'Reproductive coercion: connecting the dots between partner violence and unintended pregnancy' (2010) 81(6) Contraception <https://doi.org/10.1016/j.contraception.2010.02.023> accessed 05 October 2026

[2] Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press, 2007)

[3] Dorothy Roberts, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF*

provides the basis for persons to direct their own lives. Reproductive autonomy has historically been an area of control for males, and now provides women with the opportunity for their own reproductive autonomy through judicial activity, such as having judicially recognised reproductive choices and protecting reproductive autonomy by means of reproductive choice, that include reproductive health, bodily autonomy and the capacity for reproduction.

A Right to Personal Liberty: Personal liberty has been recognised by the Supreme Court of India under Article 21[4] as a component of the Constitution. In the Supreme Court case of Suchitra Srivastava v Chandigarh Administration[5], the Supreme Court recognised that a female's right to make reproductive choices, such as whether to continue a pregnancy or terminate a pregnancy, is part of her personal liberty, as well as part of her right to bodily integrity and dignity. This decision corresponds to international human rights standards, including the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW'), which provides for the right of women to make unrestricted reproductive decisions free from coercion, discrimination, and violence.

Although Indian law contains several important landmarks of socio-legal reform concerning women's rights, including domestic violence enactments, it does not explicitly criminalise reproductive coercion at this time. The concept of marital rape in Section 375 of the IPC[6] clearly demarcates that there is no legal definition of rape that includes non-consensual sexual intercourse between married partners. This limitation means that there are limited legal avenues for women who are subjected to reproductive coercion by their husbands. The marital rape provision is particularly problematic in cases where the crime of sexual violence has been facilitated through reproductive coercion used as a means to induce pregnancy (and/or deny contraceptive protection). The constitutionality of this marital rape exception continues to be debated in courts, with court cases challenging the constitutionality of the marital rape defence under Articles 14 and 21.[7] Therefore, analysing reproductive coercion as an intersection of both sexual violence and criminal law necessitates not only conceptual clarity of the terms but also development of those terms into legal principles. By recognising

[4] The Constitution of India 1950, art 21
[5] *Suchitra Srivastava & Anr v Chandigarh Administration* (2009) 9 SCC 1
[6] Indian Penal Code 1860, s 375
[7] The Constitution of India 1950, arts 14 and 21

that reproductive interference is a significant violation of autonomy and privacy, we establish that such violations occur to real people in their day-to-day lives. This recognition is essential to providing an adequate legal framework for protecting against reproductive coercion, and for providing meaningful protections to those actually impacted by reproductive coercion.

DEFINITION OF REPRODUCTIVE COERCION

Types and Definitions of Reproductive Coercion: Reproductive coercion refers to an array of behaviours by one person that limit the capacity of another person to make autonomous and knowledgeable decisions concerning reproduction. The underlying issue at hand is not disagreement over whether or not to have children; however, it is based on the will of the other person; i.e., through coercive pressure, coercive domination, or coercive manipulation, the reproductive decisions and outcomes belong to the individual with the most power. According to feminist legal and public health theorists, reproductive coercion represents a source of power. Control over reproduction is a mechanism used to control a particular person's body, sexuality, and the trajectory of their future.

Additionally, reproductive coercion is not typified as an isolated act of violence like many violent criminal activities; however, it occurs most often as a pattern of manipulation embedded in intimate relationships. As opposed to the occurrence of physical force, the hallmark of reproductive coercion is the gradual or sudden depletion of the autonomy necessary to make decisions regarding one's reproduction. The depletion of autonomy occurs either through the gradual process of developing an emotional dependency on someone else and/or being misled about the nature of the relationship, or through coercive tactics such as threats or actual physical violence, or via coercion exercised through the use of institutional authority.

Reproductive Coercion can take many forms, including –

Forced Pregnancy: Forced pregnancy occurs when a person has been forced to become pregnant against their will. This may include persistent pressure for pregnancy, threats of being left or losing financial support, causing harm, refusing to allow the use of contraceptives, or using psychological manipulation to create an environment in which the person you are romantically involved with no longer can make an informed decision about

having a child. Planned pregnancy cannot be considered a coercive act unless there was no genuine consent to the pregnancy, even if the sexual act appears to have been consensual for all parties.

Sabotaged Contraception: Sabotaged contraception is defined as engaging in deliberate actions to prevent a person from using their birth control method, such as damaging or destroying condoms, concealing or preventing access to contraceptives, or interfering with access to reproductive healthcare services. While none of these activities are considered to be physically violent, they carry the same legal and ethical weight as acts of physical violence because they expose an individual to the risk of becoming pregnant without their consent. Sabotaged contraception undermines an individual's reproductive self-determination by removing an individual's ability to protect themselves from becoming pregnant.[8]

Forced Abortions: Coercive abortions occur when a woman is forced to terminate her pregnancy by any combination of intimidation, violence, economic constraint, or social control. Coercive abortion constitutes reproductive coercion because it denies the individual their autonomy to continue or terminate the pregnancy. The reproductive ability of women to reproduce should not be viewed as an object for someone else to control, but as an opportunity for each woman to determine what is best for herself and her family. Coercive abortions may be imposed by partners and family members, but they can also arise as a result of state-sponsored or medically sanctioned coercion.

Coercion Sterilisation: Coercive (non-consensual) sterilisation is the most irreversible form of reproductive coercion. Historically, coercive sterilisation has been linked to eugenic strategies and population control policies and has most negatively impacted women of marginalised communities, women with disabilities, and women from low-income households. Coercive sterilisation's defining factor is a blatant lack of informed, voluntary consent. This means that, regardless of whether the procedure is justified as beneficial or necessary, coercive sterilisation is always without meaningful informed consent. Unlike coercive abortion, which is aimed exclusively at negatively impacting a woman's reproductive autonomy, coercive sterilisation is a means of taking away a woman's ability to

[8] Elizabeth Milleret al. 'A family planning clinic partner violence intervention to reduce risk associated with reproductive coercion' (2011) 83(3) Contraception <https://pmc.ncbi.nlm.nih.gov/articles/PMC3052939/> accessed 05 October 2026

make decisions regarding her future reproductive outcomes. By taking away a woman's ability to choose, coercive sterilisation limits her reproductive options in the future.

DIFFERENTIATION BETWEEN VOLUNTARINESS AND REPRODUCTIVE COERCION

Consent within the context of voluntary agreement regarding one's reproduction is based on fundamental principles of equality, free will, and informed consent. There is mutual discussion between both parties before any decisions concerning the use of contraception, the pregnancy process, or the termination of a pregnancy are made. In addition, both parties have the right to refuse or withdraw from this agreement at any time without fear of retribution or an emotional reaction. Once consent has been granted, it is given on an ongoing basis; however, its validity is only present as long as both individuals have made an informed choice and were not subject to threat, deception, or dependence at the time of making the decision.

In contrast to this type of reproductive decision-making, which is based upon voluntary and equal participation by both participants, the act of reproductive coercion relies on manipulation and pressure to gain consent. Communication that is coerced by using fear, emotional threats, financial duress, or the use of social vulnerability cannot legally be deemed valid consent for purposes of reproductive decision-making. There is no defence for acts of reproductive coercion merely because the two participants are married or in a romantic relationship; similarly, acts of domination and coercive control cannot occur in the same relationship, regardless of legal or social relationships between the two parties.

When analysing reproductive coercive practices under the current laws governing criminal offences, traditional legal standards tend to focus primarily on the presence of visible physical violence, and they often overlook examples of repeated patterns of coercive control that render consent ineffective without ever having involved physical force. Reproductive coercive control illustrates the violation of autonomy through means other than force alone, and the need to evaluate consent from a substantive rather than merely formal perspective.

Reproductive coercion constitutes a violation of sexual autonomy as it thwarts an individual's dominion over their own body and the ability to reproduce. Sexual autonomy involves the ability to choose one's reproductive and sexual future through fully informed

and voluntary decisions that were not obtained through coercion. If a person is coerced to become pregnant, to be prevented from accessing contraceptives, or to be pressured or coerced to either terminate or maintain a pregnancy, they will no longer be able to give genuine consent. Women's (and men's) bodily autonomy and integrity are violated due to the non-physical coercive means commonly used to perpetrate reproductive coercion.

There is a growing body of contemporary literature discussing reproductive coercion as part of sexual violence and acknowledging that sexual harm can occur without requiring physical violence to be either legally or ethically significant. Reproductive coercion violates the standards for what constitutes valid consent by using fear, dependency, deception, or sustained coercion to establish power over the individual. When perpetrators exert power over the reproductive outcome, they create a condition of domination over intimacy and future possibilities.

Research illustrates the co-occurrence of reproductive coercion and other forms of intimate partner violence and coercive control. The overlap of these types of violence shows that reproductive coercion shares many of the same features of sexual violence, such as intentional control, denial of autonomy, and the subjugation of bodily self-determination. Therefore, even though reproductive coercion may seem like a private dispute or reproductive health matter, it cannot be viewed as such; rather, it must be seen as a form of sexual violence that arises from the denial of consent and autonomy.

FEMINIST LEGAL PERSPECTIVES

Feminist perspectives in Law have long argued that reproductive control is central to the gendered power hierarchy. The feminist perspective holds that reproductive coercion is a manifestation of the power inequalities in society, which allow intimate partners, families, and the state to constrict the reproductive capacity of women and others who can become pregnant. Additionally, feminist scholarship states that reproductive autonomy is interdependent with a person's bodily integrity and dignity, and equality and, therefore, any

violation of an individual's reproductive autonomy constitutes a form of legal harm and not merely a private, personal, or moral wrong.[9]

Framing reproductive coercion as sexual violence through a feminist legal theory lens highlights that women's autonomy and safety regarding reproduction are not adequately addressed by standard legal models, which prioritise the use of physical force to represent sexual violence, while only addressing the use of coercive means (psychological, emotional, economic) as a form of control. This reframing of reproductive coercion broadens the scope of sexual violence and also highlights the inadequacy of current consent models, which primarily concentrate on isolated sexual acts with little regard for the relational context (power dynamics) within which such consent is obtained or undermined. As such, identifying reproductive coercion as sexual violence calls for an expanded view of harm to be inclusive of the sustained domination over reproductive decision-making—a violation of sexual self-determination.

Psychological and Physical Consequences: Reproductive coercion is now well established by large-scale empirical research. People who experience reproductive coercive control report having greater levels of anxiety and depressive symptoms, feel less empowered, and experience trauma from losing control over their reproductive choices. These harms are compounded when reproductive coercion occurs with a history of physical or sexual violence, exploiting 'co-dependencies' and creating an atmosphere of continued fear and dependency.

There are also severe physical ramifications for an individual who has experienced reproductive coercion, including increased likelihood of unintended pregnancies; sexually transmitted infections; and negative maternal health. Implying that at one point or another an individual forced to continue or terminate pregnancy may have faced unsafe medical conditions related to that pregnancy and subsequent continued issues related to that pregnancy as well a negative impact upon long-term reproductive health. So, the physical as well as mental impacts of reproductive coercion go far beyond an individual to include those

[9] Jessica E Moulton et al., 'Women's perceptions and experiences of reproductive coercion and abuse: a qualitative evidence synthesis' (2021) 16(12) PLoS One <https://pmc.ncbi.nlm.nih.gov/articles/PMC8691598/> accessed 05 October 2026

surrounding them and are therefore best understood as a form of sexual and gender-based violence rather than only a reproductive health issue.[10]

Reproductive Coercion is not a specific offence under Indian law—

The provisions of Indian criminal law address conduct relating to pregnancy primarily in terms of offences related to actual physical acts associated with pregnancy and not in terms of interference with the parents' reproductive decision-making.

The offences related to miscarriage and pregnancy are found in sections 88 to 93 of the Bharatiya Nyaya Sanhita, 2023[11], and are based on the same basic provisions of the earlier framework under sections 312 to 318 of the IPC. They fill the gap created by the introduction of legislation to make several acts of unlawful interference with women, including the prevention of a live birth and the use of concealment of birth, punishable by criminal law if there is no consent from the woman to undergo the specified act(s) leading to miscarriage.[12]

However, while there exist a few cases where the issue of consent can be raised for criminal prosecution under Indian criminal law, such as when a woman is forced to undergo an abortion against her will, the bulk of the law still focuses on the criminalisation of completed acts of physical conduct and the results of the conduct. Thus, continual coercion or pressure applied to the parents to become pregnant; to continue a pregnancy; or both, does not attract criminal penalties under Indian criminal law and, as such, renders a large component of abuse of women in connection with their right to reproductive choices not penalised by law.

Section 63 of the BNS defines rape as Sexual Intercourse without consent, including sexual intercourse obtained through coercion. Yet, the language and purpose of Section 63 limit its inquiry to consent regarding the sexual act itself, and does not extend to consent regarding the results of the sexual act (e.g., pregnancy). Sexual intercourse with a consenting partner where the partner has not provided consent to become pregnant is not a crime in the view of Section 63. It adds insult to injury that the definition of marital rape exists under the Bharatiya Nyaya Sanhita. Under this section, it excludes from consideration non-consensual sexual

[10] Laura Tarzia and Mandy McKenzie, 'Reproductive coercion and abuse in intimate relationships: Women's perceptions of perpetrator motivations' (2024) 19(4) PLoS ONE <hcessedaccesstp://doi.org/10.1371/journal.pone.0299069> accessed 05 October 2026
[11] Bharatiya Nyaya Sanhita 2023, ss 88-93
[12] Rebecca J Cook and Bernard M Dickens, *Reproductive Health and Human Rights* (Oxford University Press 2003)

intercourse that occurs within the confines of marriage. Marital rape is often perpetrated in the context of reproductive coercion; therefore, the section creates a barrier to prosecuting this form of violence.[13]

Some reproductive abuses are addressed indirectly in the context of marriage and cruelty through Section 85,[14] which defines cruelty by a spouse or their relatives as conduct that could likely inflict serious mental or physical injury on the victim. Reproductive-related abuses through judicial interpretation have occasionally come under the umbrella of the amended version of Section 85 where a spouse may be subject to undue pressure to produce children or being subject to abuse related to infertility. However, it remains a criminalised act of marital cruelty rather than as an independent legal right that would include an individual's ability to exercise reproductive decisions. As such, reproductive coercion is generally viewed as ancillary conduct rather than a form of household violence or reproductive violence in its own right.

In instances where reproductive decision-making is based on threats or intimidation, there is provision for criminal culpability under Section 351,[15] which relates to the criminalisation of intimidation. In instances where family members collectively place pressure on a victim for the fulfilment of reproductive expectations, principles of common intention would allow for the attribution of liability to all parties involved based upon Section 3(5)[16]. While those provisions prohibit coercive behaviour and set forth the method by which coercion occurs, they do not address the type of reproductive harm that is caused as a direct result of the coercive behaviour. As such, the wrongful nature of the conduct(s) that occurred would be framed in terms of intimidation or collective wrongdoing rather than through the lens of interference with the victim's right to exercise reproductive self-determination.

Consent in sexual offences must be clear and given voluntarily according to the Criminal Law (Amendment) Act, 2013[17]; however, this clarification has no impact on reproductive decision-making as far as the criminal law's consent doctrine is concerned. In other words, the law’s definition of consent for sexual offences and the definition of consent for the

[13] Law Commission, *Consultation Paper on Reform of Family Law* (2018)
[14] Bharatiya Nyaya Sanhita 2023, s 85
[15] Bharatiya Nyaya Sanhita 2023, s 351
[16] Bharatiya Nyaya Sanhita 2023, s 3(5)
[17] Criminal Law (Amendment) Act 2013

purpose of making a choice about whether or not to conceive, use contraception, or continue a pregnancy is not aligned or fully consistent with the constitutional recognition of the woman's right to reproductive autonomy as well as the enforceability of the right under criminal law.

Beyond criminal law, reproductive abuse can be partially recognised under civil law through the Protection of Women from Domestic Violence Act, 2005,[18] which describes domestic violence as being not only physical but also sexual and emotional. Courts have interpreted the definition of domestic violence to be inclusive of specific types of reproductive abuse, including forced pregnancy or refusal to provide contraception. The Act does provide some limited types of protections, as well as providing for some remedies in connection therewith, but it does not provide for any criminal penalties for types of reproductive abuse, and therefore further reinforces the general pattern in which reproductive abuse is recognised but is not criminally punishable.

Taken together, the existing laws in India that address reproductive harm are poorly organised and dominated by outcomes. Although there has been a transition from the Indian Penal Code to the Bharatiya Nyaya Sanhita (2023), the law still does not provide clear and coherent recognition to reproductive coercion as an infringement upon one's bodily autonomy and decision-making power. The lack of a clear offence indicates a greater reluctance in criminal law to deal with non-physical forms of domination, especially in the context of intimate or family relationships.

JUDICIAL RESPONSES AND CASE LAW ANALYSIS

Indian Judicial Silence and Indirect Acknowledgement: Indian courts have not yet confronted reproductive coercion as a distinct legal issue. There is no reported Indian judgment in which a court has expressly recognised reproductive coercion as a form of criminal harm or elaborated legal principles specific to the coercive interference with reproductive decision-making. Instead, judicial engagement remains *indirect* and arises only in broader contexts such as reproductive autonomy, consent to medical procedures, or marital cruelty.

[18] Protection of Women from Domestic Violence Act 2005

In *Suchitra Srivastava v Chandigarh Administration,*[19] the Supreme Court acknowledged that reproductive choice lies at the heart of personal liberty under Article 21[20] and that consent to medical procedures, including those affecting reproduction, must be free and informed. This case affirmed bodily autonomy as a constitutional right but did not extend to penal consequences for a third party's coercive interference with reproductive decisions.

Similarly, in matrimonial and family law cases, Indian courts have occasionally noted behaviour that could resemble reproductive coercion within findings of cruelty or domestic abuse without labelling it as a discrete offence.

For example, high courts have recognised harassment related to childbearing expectations as a facet of cruelty under Section 498A[21], now mirrored in Section 85[22]. However, such recognitions remain contextual and do not constitute a coherent judicial doctrine on reproductive coercion itself.[23] The absence of direct Indian judicial treatment leaves a significant gap: the constitutional affirmation of reproductive autonomy has not yet translated into a body of criminal case law that addresses coercive reproductive conduct as a standalone harm.

COMPARATIVE CASE LAWS

United Kingdom: The United Kingdom has addressed coercive control through statutory reform and case law that have clear relevance to reproductive coercion. Under the Serious Crime Act 2015[24], the offence of coercive control criminalises repeated or continuous controlling or coercive behaviour within an intimate or family relationship. In *R v B*, the Court of Appeal upheld the conviction of a defendant whose behaviour included manipulation of contraception and threats related to pregnancy. The court recognised that non-violent controlling conduct, including reproductive manipulation, could fall within the statutory offence of coercive control.[25] This line of authority demonstrates that where the statutory framework criminalises patterns of control rather than discrete physical acts alone, courts are willing to interpret behaviour affecting reproductive autonomy as part of the

[19] *Suchitra Srivastava & Anr v Chandigarh Administration* (2009) 9 SCC 1
[20] The Constitution of India 1950, art 21
[21] India Penal Code 1860, s 498A
[22] Bharatiya Nyaya Sanhita 2023, s 85
[23] *Preeti Gupta & Anr v State of Jharkhand & Anr* (2010) 7 SCC 667
[24] Serious Crime Act 2015
[25] *R v B* [2017] EWCA Crim 1642

broader harm of coercive control. The UK approach thus offers a model for recognising and adjudicating reproductive coercion within criminal law.

United States: In the United States, while there is no uniform federal statute defining reproductive coercion, several state courts and legislatures have confronted similar conduct within domestic violence or abuse frameworks. In *State v Coleman*, the Washington Court of Appeals upheld a conviction for domestic violence where the defendant's interference with birth control and threats to force pregnancy were accepted as evidence of abuse under the state's domestic violence statutes.[26] The Coleman decision illustrates that when state law permits consideration of psychological coercion and reproductive interference as part of intimate partner abuse, courts can incorporate reproductive coercion within existing abuse frameworks. Many jurisdictions in the USA now include reproductive coercion as part of the broader concept of domestic violence in statutory or judicial practice guidelines.

Australia: Australian courts have addressed reproductive coercion primarily through family violence provisions in criminal statutes. In *R v Kaye*, the Supreme Court of Victoria dealt with a defendant whose pattern of behaviour included repeated attempts to coerce pregnancy and sabotage contraception. The court treated these actions as part of a broader pattern of family violence and controlling behaviour.[27] The Kaye decision reflects an understanding that reproductive coercion can be encompassed within family violence laws, even in the absence of a specific statutory offence for reproductive interference. Australian jurisprudence demonstrates that reproductive coercion can be prosecuted within general frameworks for abusive and controlling conduct.

GAPS AND INADEQUACIES IN CRIMINAL LAW

Criminal law in India has the most important gap. That is the lack of a clear definition of reproductive coercion within the existing framework for criminal law in India. Criminal liability is only defined by the distinct acts committed (for example, a person is liable for having a miscarriage, sexual assault or cruelty). However, there is no recognition of the impact of someone interfering with your ability to make an independent decision about your reproductive rights. The lack of clarity regarding the definition of reproductive coercion

[26] *State v Coleman* [2012] 276 P.3d 1245 (Wash Ct App 2012)
[27] *R v Kaye* [2019] VSC 123

creates confusion regarding the types of offences associated with it, since coercive conduct will either fall under offence definitions that are not applicable, or not be captured by any definition of an offence. As a result, until such time as the legal framework for criminal law clearly articulates reproductive freedom as a legal interest that is protected, the law is unable to assess the extent of the harm caused by sustained pressure, manipulation or control over a person's reproductive decision-making.[28]

The fragmented nature of legal protection for acts of reproductive coercion (e.g., pregnancy, sexual offences, cruelty/intimidation) means that the courts cannot view reproductive coercion as either a single form of abuse or as a form of abuse that takes place over time. As a result of this approach to addressing reproductive coercion, the legal system only reacts after a physical act of coercion occurs and such a coercive act has been defined as a violation by statute; thus, the larger context of reproductive coercion remains unaddressed. The approach taken by the legal system does not reflect the fact that reproductive abuse tends to be based on cumulative power over time, which would explain why reproductive coercion would take place over the course of time, as opposed to being based on an individual event. Criminal laws are constrained in their ability to effectively address reproductive coercion due to evidentiary and procedural challenges that are inherent to the criminal justice system.

Many instances of reproductive coercion occur in private (in social, intimate and family settings) and rely primarily on psychological coercion rather than physical coercion. This presents a significant challenge for demonstrating conduct associated with reproductive coercion using typical standards of evidence as outlined in the criminal justice system. This challenge is compounded by the absence of corroborating evidence.[29] Complainants' experiences of long-term psychological coercion and lost decision-making autonomy are disadvantageous. For the complainant, the procedural delays, social stigma associated with filing a complaint against their spouse or partner, and the fear of retaliation create additional barriers to reporting and prosecuting misconduct.

Another limitation associated with reproductive coercion has to do with the tension between the gender-neutral nature of the criminal justice system and the fact that reproductive harm

[28] Rebecca J Cook and Bernard M Dickens, *Reproductive Health and Human Rights* (OUP 2003)
[29] Mrinal Satish, *DISCRETION, DISCRIMINATION AND THE RULE OF LAW: Reforming Rape Sentencing in India* (CUP 2016)

is by nature a gendered experience. More specifically, while the gender-neutral nature of criminal law has been underscored by recent legislative developments, it has also been demonstrated that reproductive coercion disproportionately impacts females and those individuals who have the capacity for pregnancy, due to societal norms regarding marriage, procreation and lineage, as well as historically entrenched cultural norms regarding gender roles. Consequently, when gender-neutral statutory language is applied without due consideration of the embedded social inequalities through which reproductive control is exercised, gender-neutral statutory language is likely to conceal the power imbalance through which reproductive control occurs. Therefore, due to its unwillingness to acknowledge these realities, the criminal justice system cannot provide for substantive equality and effective protection.

When viewed collectively, the gaps provide evidence of a larger, systemic failure in the way that criminal law defines harm, rather than simply identifying a specific criminal offence missing from the current system. Through emphasising physical acts while ignoring violations of one's autonomy, viewing conduct independent of coercion, and failing to address the existence of power imbalances between men and women, the current criminal framework is ultimately inadequate for addressing reproductive coercion. Legislation alone will not solve this issue; in conjunction with legislative reform, a complete rethink and re-conceptualisation of the present definitions of consent, autonomy and violence in criminal law will be needed to create an effective response to reproductive coercion.

FINDINGS

Reproductive Coercion is Different Than Other Forms of Violence: The study found that reproductive coercion is a separate type of gender-based violence and sexual violence which violates a person's ability to make choices regarding their reproductive health. Reproductive coercion includes not only physical forms of violence (e.g., forced sexual intercourse with the intention of making a woman pregnant, or forcing a woman to have a miscarriage) but also psychological, relational and systemic forms of control (i.e., sabotaging contraception; coercing a person to become pregnant; making someone have an abortion against their will; and sterilising someone without their knowledge or consent).

Indian Criminal Law and the Gap in Addressing Reproductive Coercion: At present, the Indian criminal law does not adequately address reproductive coercion. Although there are provisions in the IPC as well as related statutes like the POCSO[30] to provide some protection, they are specific to a set outcome (e.g., pregnancy), fragmentary in nature, and do not identify 'reproductive autonomy' as an independent legal protection. Further, the continuation of the exception to marital rape and a lack of clarity around the definition of consent to reproductive outcomes contributes to the legal invisibility of reproductive coercion.

Challenges in Defining and Proving Reproductive Coercion: In the absence of a specific statutory definition of reproductive coercion, it becomes difficult to distinguish between reproductive coercion and consensual reproductive decision-making. Furthermore, most of the evidence required to support the claim of reproductive coercion is psychological or relational in nature, making it difficult for law enforcement and judicial systems to prove the existence of reproductive coercion.

Harm Based on Gender: In its domestic form, reproductive coercion has the potential to create and perpetuate existing gendered and socio-economic disparities by reinforcing deeply held patriarchal assumptions about gender and women. Therefore, while gender-neutral criminal provisions addressing reproductive coercion may provide some level of accountability to offenders, the appropriate judicial interpretation and investigation will require active measures taken to address the gendered nature of reproductive coercion through appropriate judicial interpretation and investigative protocols.[31]

Need for Legislative Change and Institutional Measures: Ultimately, the findings will provide sufficient evidence for the need for legislative amendments. This includes:

(i) Recognition of reproductive coercion as a distinct offence;

(ii) Amendments to the laws of the IPC and the Bharatiya Nyaya Sanhita dealing with Consent, Sexual Offences, Cruelty, and Intimidation; and

[30] Indian Penal Code 1860, ss 312-318, 375, 498A and 506; Women & Domestic Violence Act 2005
[31] Karen Trister Grace and Jocelyn C Anderson, 'Reproductive Coercion: A Systematic Review' (2016) 19(4) Trauma, Violence & Abuse <https://pmc.ncbi.nlm.nih.gov/articles/PMC5577387/> accessed 05 October 2026

(iii) Specialised training/sensitisation and capacity-building of Police, Prosecutors and Judges. These items will establish a system of accountability that is fully available to victims of reproductive coercion and will enable reproductive autonomy as effectively as efficiently.

Policy Implications: Legal Recognition of Reproductive Coercion must be accompanied by appropriate procedures, public awareness programmes and Victim Support mechanisms. The combination of proper statutory language, judicial awareness, and institutional capacity will be required to address both the private and public components of reproductive violence and to achieve a constitutional balance between personal liberty and protection of state authority.

OVERVIEW OF THE LAW AND POLICY CHANGES

In India, addressing reproductive coercion requires a collaborative approach that includes policy, statutory reform, and institutional measures through public outreach. It is recommended that reproductive coercion should be a separate crime. Currently, the laws name and describe behaviour involved in reproductive coercion in many different ways - such as sexual violence, matrimonial cruelty, miscarriage, and intimidation - but do not directly address the actual criminal act of Reproductive Coercion. If reproductive coercion were to be defined as a separate offence, the law would acknowledge the violation of an individual's reproductive freedom and would provide clear parameters for prosecution and adjudication by the courts, thereby giving effect to the fundamental rights established in Article 21 concerning personal freedom and bodily integrity.[32] Amendments should be made to both the Indian Penal Code and Bharatiya Nyaya Sanhita to explicitly define reproductive coercion in the language of the IPC/BNS. To that end, all the provisions that define or give rise to pregnancy, sexual consent, cruelty, and intimidation should include express references to reproductive coercion. These definitions should cover such acts as:

- Sabotaging contraception;
- Forcing someone into a pregnancy;

[32] Laura Tarzia & Kelsey Hegarty, 'A conceptual re-evaluation of reproductive coercion: centring intent, fear and control' (2021) 18 Reproductive Health <https://doi.org/10.1186/s12978-021-01143-6> accessed 05 October 2026

- Forcing someone to have an abortion;
- Sterilising someone without consent.

As noted earlier, drafting should provide clear lines of distinction between consensual decision-making about reproduction and coercive conduct, thus limiting the potential for over-criminalisation of reproductive coercion, and enabling law enforcement and the courts to interpret the laws more accurately.

Legislative changes alone are not enough to combat reproductive coercion; other approaches like raising awareness of reproductive coercion and increasing the ability of those who are supposed to protect us (the police, prosecutors, and judges) will be crucial. Often, the occurrence of reproductive coercion takes place in a private, relational context. This means that coercion may occur through psychological rather than physical means. Training programs for police, prosecutors, and judges should include information on how to identify the different ways coercion is happening, how to gather evidence in non-physical abuse cases, and how to protect the victim. Also, developing special methods for reporting and investigating reproductive coercion cases will help individuals gain access to justice, especially when documenting a case is difficult or when the evidence relies solely on what's being said by someone.

The following are major recommendations that can be taken for policies and practices related to reproductive coercion:

- Establish a distinct offence that recognises the harmfulness of controlling childbirth decisions as an invasion of one's reproductive autonomy.
- Change BNSS/BNS (the statutes) to include making a crime out of actions such as sabotaging contraception, forcing someone to get pregnant, coercing someone into having an abortion, and having a sterilisation done on someone without the person's consent.
- Develop specialised education and training programs for law enforcement officers, judges, and prosecutors to enable them to recognise instances of non-physical coercion

and provide procedures that are all victim-centred in their approach when conducting investigations.

- Create specialised reporting and procedural protocols to protect individuals who are victims of relational or psychological coercion and improve how evidence is collected regarding these forms of coercion.

- Create public awareness campaigns to teach individuals in communities about reproductive rights as well as the criminal consequences associated with using coercive tactics in reproductive matters.

- By implementing the measures recommended above, there will be a coherent legal and institutional framework that protects reproductive autonomy by ensuring that the criminal justice system is consistent with fundamental constitutional guarantees, recognising the unique characteristics of reproductive coercion, and ensuring that victims of reproductive coercion can obtain justice while not inappropriately impinging upon the consensual reproductive decision-making choices of individuals.

CONCLUSION

The article outlines that Reproductive Coercion violates a person's autonomy, bodily integrity, and reproductive justice. Therefore, framing Reproductive Coercion as a sexual violence/crime against women reframes reproductive rights to be more in line with the laws of criminal justice versus simply being concerned with private/medical matters. Currently, Indian law does not serve to protect an individual from any form of Coercive Interference Regarding Reproductive Decision-making. The existing provisions of current Sexual Offences/Cruelty/Miscarriage terms cover only either the results or the physical acts; none of these terms understand that Reproductive Coercion includes social and Psychological dimensions of Coercive Interference in Reproductive Decision-making.

Any attempt to protect those who are Coercively Interfered with in their Reproductive Decisions must include the establishment of a separate definition, or criminal offence(s) within the IPC or Bharatiya Nyaya Sanhita related to Reproductive Coercion. Amendments to be made within IPC or BN would provide an outline as to what is meant by Coercive Interference Regarding Reproductive Decision-making; how to successfully prosecute such

cases using existing statutes, alongside training and educating law enforcement, prosecutors, and judges on how to properly assist victims when they report a crime.

Finally, providing meaningful access to Justice without prejudice against the individual (i.e. the Right to Personal Liberty, the Right to be Treated with Dignity and the Right to have Control over One's Reproductive Choices) will protect individuals from Coercive Interference Regarding Their Reproductive Decisions.