**Short title: Denial of abortion rights**

**Review comments:**

Comments of Reviewer 1;

1. Title:“Can we ensure that the sacrifice of the mother who was mandated to deliver a child with Down syndrome does not go in vain? The Medical Termination of Pregnancy needs to keep up with technology.”

Does the author mean that “The Medical Termination of Pregnancy” or “The Medical Termination of Pregnancy Act, 1971” needs to keep up with technology?

The title needs to be both shortened and clarified.

2. Importance of the paper

The paper certainly addresses issues relevant to ethics in developing countries. It draws lessons from western countries and also points out why some comparisons with western countries are not fair given the Indian context.  
  
3. The issue is both topical and discusse from an Indian perspective. It could influence policy as the need to amend the MTP Act and bring in the amendments of 2014 is clearly highlighted in this paper.

4. Important omissions:

There are several Supreme Court judgments after the judgment discussed in this paper but, in effect at the time of this paper going to press, which have allowed MTP beyond 20 weeks. It may offer a more balanced and updated opinion to look at those judgments. MTP was allowed at 24 weeks and 26 weeks in cases where there were severe congenital defects that were not compatible with life and could cause fatality to the mother.

I feel that this paper explores whether Down Syndrome can be considered an exceptional case to waive the 20 week requirement. As such,there are Supreme Court judgments from 2017 which have waived the 20 week requirement.

5. Other comments  
This portion is not clear- I did not understand the reference to abortion and infanticide- “*In a well-argued piece on the moral and ethical reasons for justifying Nuccetelli argues that we cannot use justifications of quality of life of Down syndrome or for that matter any other congenital anomaly as it can always vary and statistics cannot replace individual outcomes. The only factor which can be considered is the procreative freedom which in this case is the right of the parents (who are in agreement) as it receives great moral weight in any ethical argument [10]. Another way of interpreting abortion for Downs syndrome would be stretching the timeline to after birth with the same set of conditions and thus argue against abortion. If we are willing to allow abortion for Down syndrome, then would it not be equivalent to allowing infanticide of Down syndrome. It can be an unnerving proposition to advocates of abortion but it is well discussed in a recent viewpoint by Henrik Friberg-Fernros [11].”*

6. Recommendation  
Accept with modifications – Could you please include the more recent judgments from 2017 delivered by the Supreme Court and extending the period beyond 20 weeks and maybe explore why MTP was permitted in those cases, but not this case.

------------------------------------------------------------------------------------

Comments of Reviewer 2:

Specific Comments:

1. On the report given by the panel of doctors at KEM – was it based on the moral judgment of the doctors or was it a sound report? – could be discussed – since if the doctors personally have morality issues about abortion, then such a report could be challenged… as not being a report based on constitution and rights, but one based one personal values and judgments.
2. The author states that justice was denied to the couple due to their background. However, timely intervention could not take place due to their condition, but also because of the system, that prevented access to affordable tests and to the legal system.
3. The SC and Bombay High Court judgements that have allowed abortion and in what specific conditions could be discussed as a comparison to the judgement discussed in the article, and the author could bring to light the similarities and differences in the way in which the issue has been tackled for abortions beyond the stipulated 20 weeks… and why the same reasoning that was followed in some cases was not followed in this case.

General Comments:

1. The paper is loaded with judgmental statements, and does not really argue the right to life issue in poor settings, and rights of the mother vis-a-vis the unborn child.

2. It also seems rather one-sided. Some more reasoning given by the court would be

useful.

3. It could be considered, subject to revision of the paper.