

WOMEN HAVE RIGHT TO SAFE ABORTION: SC

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

Denying an unmarried woman the right to a safe abortion violates her personal autonomy and freedom, the Supreme Court held in an order on Thursday.

A Bench led by Justice D.Y. Chandrachud was hearing the appeal of a woman who wanted to abort her 24-week pregnancy after her relationship failed and her partner left her.

The lower court had taken an “unduly restrictive view” that her plea for a safe abortion was not covered under the Medical Termination of Pregnancy Act as the pregnancy arose from a consensual relationship outside wedlock.

Chastising the lower court, the Bench said live-in relationships had already been recognised by the Supreme Court. There were a significant number of people in social mainstream who see no wrong in engaging in pre-marital sex. The law could not be used to quench “notions of social morality” and unduly interfere in their personal autonomy and bodily integrity.

Key amendment

The court noted that an amendment to the Act in 2021 had substituted the term ‘husband’ with ‘partner’, a clear signal that the law covered unmarried women within its ambit.

“A woman’s right to reproductive choice is an inseparable part of her personal liberty under Article 21 of the Constitution. She has a sacrosanct right to bodily integrity,” the court quoted from precedents. The court said forcing a woman to continue with her pregnancy would not only be a violation of her bodily integrity but also aggravate her mental trauma.

The court ordered a medical board to be formed by the AIIMS to check whether it was safe to conduct an abortion on the woman and submit a report in a week.

The Bench posted the case for August 2.

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