Reproductive Choice is a Fundamental Right

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Why in News?

The Supreme Court of India permitted a 31-week pregnant minor to undergo medical termination of pregnancy (MTP), reiterating that reproductive choice is a fundamental right.

- **MTP Act restriction –** Abortion allowed up to 20 weeks (general cases), up to 24 weeks (special categories like rape survivors, minors, differently-abled women).
- Beyond 24 weeks only in exceptional cases (severe foetal abnormalities or grave risk), usually with medical board/judicial approval.
- **SC Validation** – The Supreme Court could override the MTP Act in the recent case because ***Fundamental Rights*** under the Constitution always prevail over statutory limits**.**

Legal Considerations

- **Article 21 – Right to Life & Personal Liberty**
  - **Definition –** "No person shall be deprived of his life or personal liberty except according to procedure established by law."
  - Interpreted to include reproductive autonomy, privacy, and bodily integrity.
- **Article 14 – Right to Equality**
  - **Definition –** "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."
  - By linking reproductive choice not just to Article 21 (life & liberty) but also to Article 14 (equality), the Supreme Court shows that the right is protected on multiple constitutional grounds.

Judicial Precedents

• **Suchita Srivastava v. Chandigarh Administration (2009)** – Linked reproductive choice to Article 21.
• **K.S. Puttaswamy v. Union of India (2017)** – Privacy judgment reinforcing autonomy.
• In 2022, SC struck down distinctions between married and unmarried women for abortion access.
• **Recent rulings (2024–26) –** Courts held no woman, especially a minor, can be compelled to carry pregnancy against her will.

References

1. NDTV | Fundamental Right
2. Indian Express | Fundamental Right

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