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**EDITORIAL ANALYSIS**

# Reproductive Autonomy – Supreme Court Expands Late-Term Abortion Access

INDIAN EXPRESS

23 March 2026

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# Reproductive Autonomy — Supreme Court Expands Late-Term Abortion Access

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GS2

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The Indian Express

MAINS RELEVANCE:

GS Paper 2

GS Paper 4



## INTERVIEW ANGLE

*"The Supreme Court permitted a 30-week abortion, going beyond the MTP Act's 24-week limit. How do you balance fetal viability concerns with a woman's right to reproductive autonomy?"*

## WHY IN NEWS

The Supreme Court of India delivered a landmark judgment permitting a woman to terminate her 30-week pregnancy, prioritising reproductive autonomy over fetal viability. The ruling, led by Justice B.V. Nagarathna, sets a significant precedent by allowing termination well beyond the 24-week statutory limit.

## The Case

The petitioner was a woman who had been a minor at the time of conception. The case exposed two critical legal tensions:

- 1 **MTP Act vs constitutional rights** — The Medical Termination of Pregnancy Act, 1971 (amended 2021) sets a 24-week limit for most categories, with extensions only by Medical Boards for fetal abnormalities
- 2 **POCSO vs MTP confidentiality** — The Protection of Children from Sexual Offences Act mandates reporting, while MTP provisions guarantee confidentiality

## The MTP Act Framework

The Medical Termination of Pregnancy Act, as amended in 2021, provides a graduated framework:

GESTATIONAL PERIOD	WHO CAN AUTHORISE	CONDITIONS
Up to 20 weeks	One registered medical practitioner	Broad grounds including contraceptive failure, risk to mother
20-24 weeks	Two registered medical practitioners	Special categories: minors, rape survivors, change in marital status, mentally ill, fetal malformation
Beyond 24 weeks	Medical Board (state-level)	Only for substantial fetal abnormalities diagnosed by the Board

## The Supreme Court's Reasoning

The Court held that:

- ❶ **Article 21** (Right to Life) encompasses reproductive autonomy — the right to decide whether to continue a pregnancy is a fundamental aspect of personal liberty and bodily integrity
- ❷ **Mental health** is a legitimate ground — the psychological trauma of carrying an unwanted pregnancy to term constitutes a threat to the woman's health
- ❸ **Rigid gestational limits** can work injustice — especially when delays are caused by the legal system itself (time taken in approaching courts)
- ❹ **Best interests of the woman** must take precedence when exceptional circumstances exist

## Constitutional Rights at Stake

RIGHT	ARTICLE	APPLICATION
Right to Life and Personal Liberty	Article 21	Includes reproductive autonomy, bodily integrity
Right to Privacy	Article 21 (Puttaswamy, 2017)	Reproductive choices are a private decision
Right to Dignity	Article 21	Forced pregnancy violates dignity
Right to Equality	Article 14	Women should have equal autonomy over their bodies
Right to Health	Article 21 (derived)	Mental and physical health considerations

## India's Abortion Law Evolution

YEAR	DEVELOPMENT
1971	MTP Act enacted (liberalised from colonial-era criminalisation)
2002	Amendment allowing mifepristone-misoprostol (medical abortion)
2021	MTP Amendment Act: extended limit to 24 weeks for special categories, Medical Board for beyond 24 weeks
2022	<i>X v. Principal Secretary, Health</i> — SC allowed unmarried woman's abortion under MTP Act
2026	Current ruling: permitted termination at 30 weeks on grounds of reproductive autonomy

## Adolescent Sexual Health Gap

The case also underscores India's critical shortage of **adolescent sexual and reproductive health education**. With the petitioner being a minor at conception:

- Comprehensive sexuality education remains absent from most school curricula
- Access to contraception for adolescents is stigmatised
- Child marriages persist (~23% of women married before 18)
- POCSO reporting requirements may deter minor victims from seeking help

## Global Comparison

COUNTRY	ABORTION ACCESS
India	Up to 24 weeks (special categories); beyond with Medical Board/Court
US	State-level post-Dobbs (2022); varies widely
UK	Up to 24 weeks (Abortion Act 1967)
France	Up to 14 weeks (extended from 12, 2022); constitutional right since 2024
Poland	Near-total ban (since 2020 Constitutional Tribunal ruling)

**UPSC RELEVANCE**

MTP Act 1971 (amended 2021), gestational limits, Medical Board provisions, POCSO Act.

**MAINS GS-2:**

Fundamental rights — Article 21 and reproductive autonomy; judicial activism in expanding personal liberty; MTP Act analysis.

**GS-4 ETHICS:**

Balancing fetal rights vs maternal autonomy; ethical dimensions of late-term abortion.

## ★ FACTS CORNER — KNOWLEDGE PEDIA

### MTP ACT 1971 (AMENDED 2021):

Up to 20 weeks: 1 doctor's opinion

20-24 weeks: 2 doctors' opinions (special categories)

Beyond 24 weeks: State Medical Board (fetal abnormalities only)

Special categories: Minors, rape survivors, mentally ill, change in marital status

### SUPREME COURT JUDGMENT (2026):

Permitted 30-week termination

Led by: Justice B.V. Nagarathna

Grounds: Reproductive autonomy (Article 21), mental health

Precedent: Goes beyond MTP Act's 24-week limit

### KEY PRECEDENTS:

X v. Principal Secretary (2022): Unmarried women included under MTP Act

KS Puttaswamy v. Union of India (2017): Right to privacy includes reproductive choices

Suchita Srivastava v. Chandigarh Administration (2009): Reproductive rights under Article 21

### POCSO ACT 2012:

Protection of Children from Sexual Offences

Mandatory reporting of child sexual abuse

Special courts for speedy trial

Conflict with MTP confidentiality in minor's abortion cases

### OTHER RELEVANT FACTS:

India's Maternal Mortality Ratio: 97 per 1,00,000 live births (SRS 2020)

Unsafe abortions: ~6.4 lakh annually in India (Lancet estimate)

France became first country to constitutionalise abortion right (March 2024)

Sources: [Indian Express](#), [Insights on India](#)

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