# Polity & Governance · GS - II

**Examine how the judiciary can balance reproductive autonomy, the right to health and the protection of minors in cases involving termination of advanced pregnancies resulting from sexual assault.**

| EXAM YEAR | PAPER | SUBJECT |
|---|---|---|
| DAILY PRACTICE 17/11/2026 | GS - II | Polity & Governance |

| MARKS | WORD LIMIT |
|---|---|
| 15 | ~250 words |

## Answer Hint

**Reproductive autonomy, Article 21, MTP Act, POCSO Act, bodily integrity, mental health, medical ethics, best interests of the child, judicial intervention.**

## Model Answer

### Introduction

Cases involving termination of advanced pregnancies resulting from sexual assault raise complex questions concerning constitutional rights, medical ethics and the protection of vulnerable minors. The Kerala High Court's decision highlights the need to consider both physical and psychological consequences of continuing an unwanted pregnancy.

### Constitutional and Legal Dimensions

1. **Article 21:** The right to life and personal liberty encompasses dignity, privacy, bodily integrity and reproductive autonomy.

2. **MTP Act, 1971:** The Act regulates termination through gestational limits, medical opinions and specified exceptions. Pregnancies beyond 24 weeks require consideration under the applicable statutory provisions.

3. **POCSO Act, 2012:** Sexual activity involving a minor attracts child-protection provisions. The legal system must ensure confidentiality, protection and appropriate support for survivors.

**Role of the Judiciary**

- **Rights-based approach:** Courts must consider the survivor's informed wishes, psychological trauma and bodily autonomy.
- **Medical assessment:** Decisions should incorporate expert medical opinions while considering the individual circumstances of the case.
- **Procedural safeguards:** Courts can facilitate timely treatment and ensure access to safe medical facilities.
- **Post-procedure care:** Appropriate neonatal care arrangements may be necessary where premature delivery or survival of the foetus is possible.

**Way Forward**

Strengthen survivor-centred healthcare, improve access to psychological counselling, ensure confidentiality and establish clear coordination between hospitals, child-protection authorities and courts.

**Conclusion**

A rights-based approach must place the minor's dignity, health and best interests at the centre of decision-making while ensuring medically safe and legally compliant procedures.

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