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REPRODUCTIVE AUTONOMY AND EQUALITY: A CASE COMMENTARY ON X v. PRINCIPAL SECRETARY (2022)

- BY RINKI

ABSTRACT

The decision in X v. Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi (2022) is a landmark ruling that significantly strengthened women's reproductive rights in India. While the case originated from the plea of an unmarried woman seeking termination of pregnancy, its impact extends far beyond the individual petitioner. Through a progressive interpretation of the Medical Termination of Pregnancy framework, the Supreme Court affirmed that reproductive choices, dignity, privacy, and personal liberty cannot be restricted basis of marital status. The judgment not only protects a woman's right to make decisions concerning her own body but also promotes a more inclusive understanding of equality and respect within society. This commentary examines the facts, issues, reasoning, and broader implications of the decisions, highlighting its contribution to women's rights and reproductive justice in India.

KEYWORDS

Reproductive Rights, Women's Rights, MTP Act, Unmarried Women, Article 14, Article 21, Gender Justice.

INTRODUCTION

The Supreme Court's decision in X v. Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi represents a watershed moment in India's reproductive

rights jurisprudence. What began as the plea of an unmarried woman seeking termination of her pregnancy ultimately resulted in a transformative constitutional ruling with implications extending far beyond the individual facts of the case. The Supreme Court utilized this opportunity not only to address the immediate concerns of the petitioner but also to reaffirm the principles of dignity, autonomy, equality, and privacy guaranteed under Article 14 and 21 of the Constitution of India¹.

The judgment is noteworthy because it moved beyond a literal reading of the Medical Termination of Pregnancy Act, 1971 and emphasized an interpretation consistent with contemporary social realities. Recognizing that intimate relationships and family structures have evolved over time, the Court rejected distinctions based solely on marital status and adopted an inclusive approach to reproductive ²healthcare. Consequently, the ruling has influenced the manner in which the Act and its accompanying Rules are to be understood and applied, ensuring that statutory interpretation remains aligned with constitutional values. More importantly, the decision strengthened reproductive autonomy for women as a class, thereby advancing substantive equality and gender justice within the Indian legal framework³.

FACTS OF THE CASE

The petitioner, an unmarried woman, was in a consensual relationship and became pregnant. Owing to change in her material circumstances, she decided not to continue with the pregnancy and sought its termination. At the time of approaching the Court, her pregnancy had exceeded twenty weeks but fell within the twenty to twenty –four week period contemplated under the Medical Termination of Pregnancy Rules, ⁴2003.

The petitioner approached the Delhi High Court seeking permission to terminate her pregnancy. The High Court, however, declined to grant relief on the ground that Rule 3B of the Medical Termination of Pregnancy Rules, 2003 did not expressly include unmarried women among the categories eligible for termination of pregnancy between twenty and twenty-four weeks⁵. Aggrieved by this decision, the petitioner preferred an appeal before the Supreme Court of India⁶.

¹ INDIA CONST.arts.14, 21.

² Medical Termination of Pregnancy Act, No.34 of 1971, as amended by the Medical Termination of Pregnancy (Amendment) Act, no. 8 of 2021.

³ X v. Principal sec'y, Health & Family Welfare Dep't, Govt. of NCT OF Delhi, (2022) 10 SCC 1.

⁴ Medical Termination of Pregnancy Rules, 2003, r.38.

⁵ Id.

⁶ X v. Principal Sec'y, Health & Family Welfare Dep't, Govt. of NCT of Delhi, (2022) 10 SCC 1.

The dispute consequently raised significant questions concerning the interpretation of the Medical Termination of Pregnancy Act, 1971, the scope of reproductive autonomy, and the constitutional validity of distinctions drawn on the basis of marital status in accessing reproductive healthcare services⁷.

ISSUES BEFORE THE COURT

The Supreme Court was called upon to determine the following issues:

1. Whether an unmarried woman is entitled to seek termination of pregnancy between twenty and twenty-four weeks under the Medical Termination of Pregnancy Act, 1971 and The Medical Termination of Pregnancy Rules, 2003⁸.
2. Whether the exclusion of unmarried women from the ambit of Rule 3B of the Medical Termination of Pregnancy Rules, 2003 violates the guarantees of equality, dignity, and privacy, and personal liberty enshrined under Article 14 and 21 of the Constitution of India⁹.

JUDGMENT

The Supreme Court allowed the appeal and held that the benefits available under the Medical Termination of Pregnancy Act, 1971 cannot be denied solely on the basis of a woman's marital status. Emphasizing the constitutional values of equality, dignity, privacy, and personal liberty, the Court observed that reproductive choice forms an integral component of bodily autonomy protected under Articles 14 and 21 of the Constitution of India¹⁰.

While interpreting the legislative framework, the Court took note of the Medical Termination of Pregnancy (Amendment) Act, 2021, which replaced the term "husband" with the broader expression "partner". The Court held that this amendment reflected the Parliament's intention to acknowledge evolving social realities and extend legal protection beyond traditional marital relationships¹¹. Consequently, the provisions of the Act and the Rules were required to be interpreted in a manner consistent with constitutional principles rather than through a narrow or restrictive reading.

⁷ INDIA CONST. arts. 14, 21; Medical Termination of Pregnancy Act, No. 34 of 1971.

⁸ Medical Termination of Pregnancy Act, No. 34 of 1971; Medical Termination of Pregnancy Rules, 2003, r. 3B.

⁹ INDIA CONST. arts. 14, 21; X v. Principal Sec'y Health & Family Welfare Dep't, Govt. of NCT of Delhi, (2022) 10 SCC 1.

¹⁰ INDIA CONST. arts. 14, 21; X v. Principal Sec'y, Health & Family Welfare Dep't, Govt. of NCT of Delhi, (2022) 10 SCC 1.

¹¹ Medical Termination of Pregnancy (Amendment) Act, No. 8 of 2021.

In order to provide immediate relief to the petitioner, the Court directed the Director of AIIMS, New Delhi, to constitute a medical board to examine her condition and determine whether the termination of pregnancy could be carried out safely¹². Upon a favorable medical opinion, the procedure was directed to be undertaken without undue delay. Through this judgment, the Court not only resolved the grievance of the petitioner but also clarified law governing reproductive rights for women across India.¹³

COURT'S REASONING

The Supreme Court held that reproductive autonomy is an essential aspect of personality liberty, dignity, and privacy protected under Article 21 of the Constitution¹⁴. The Court observed that a woman's right to make decisions concerning her body cannot be restricted merely because she is unmarried.

The Court further emphasized that excluding unmarried women from the scope of Rule 3B of the Medical Termination of Pregnancy Rules, 2003 would violate Article 14, which guarantees equality before the law¹⁵. According to the Court, constitutional rights cannot be conditioned upon marital status.

A significant factor influencing the Court's reasoning was the Medical Termination of Pregnancy (Amendment) Act, 2021, which replaced the term "husband" with "partner"¹⁶. This change indicated Parliament's intention to recognize evolving social realities and adopt a more inclusive approach towards reproductive healthcare. Consequently, the Court held that the provisions of the Act and the Rules must be interpreted liberally to ensure that all women, irrespective of marital status, enjoy equal access to reproductive rights and healthcare¹⁷ services.

CRITICAL ANALYSIS

The significance of this judgment extends far beyond the facts of the present case. Although the litigation originated from the grievance of a single unmarried woman, the Supreme Court utilized the opportunity to address a broader constitutional concern affecting women across the country. By refusing to confine reproductive rights within the boundaries of marriage, the Court

¹² X v. Principal Sec'y, Health & Family Welfare Dep't, Govt. of NCT of Delhi, (2022) 10 SCC 1.

¹³ Id.

¹⁴ INDIA CONST.art.21.

¹⁵ INDIA CONST.art.14.

¹⁶ Medical Termination of Pregnancy (Amendment) Act, No.8 of 2021.

¹⁷ X v. Principal Sec'y, Health & Family Welfare Dep't, Govt. of NCT of Delhi, (2022) 10 SCC 1.

affirmed that personal liberty and bodily autonomy are rights available to all women, irrespective of their marital status¹⁸.

The judgment is particularly commendable because it does not merely interpret the Medical Termination of Pregnancy Act, 1971; it also clarifies the manner in which beneficial legislation should be understood in light of constitutional values. The Court recognized that social realities have evolved and that the law cannot remain detached from contemporary forms of relationships and family structures¹⁹.

In my view, the decision successfully transforms an individual claim into a broader affirmation of reproductive justice. It strengthens the constitutional guarantees of equality, dignity, and privacy while ensuring that legal protections remain relevant in a changing society²⁰.

CONCLUSION

The judgment in *X v. Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi* demonstrates how constitutional courts can adapt legal interpretation to changing social realities. By refusing to confine reproductive choices within the institution of marriage, the Supreme Court ensured that the law remains responsive to contemporary forms of relationships and individual circumstances. The ruling not only provided relief to the petitioner but also clarified the scope of the Medical Termination of Pregnancy framework for future cases. As a result, it stands as an important precedent that promotes a more inclusive and humane approach to reproductive healthcare in India.

REFERENCES

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¹⁸ INDIA CONST.arts.14, 21.

¹⁹ Medical Termination of Pregnancy (Amendment) Act, No.8 of 2021.

²⁰ *X v. Principal Sec'y, Health & Family Welfare Dep't, Govt. of NCT of Delhi*, (2022) 10 SCC 1.

