



## CURRENT AFFAIRS



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# Right to reproductive choice: Supreme Court extends right to safe and legal abortion to single, unmarried women

## CONTEXT

Supreme Court has extended right to safe and legal abortion up to 24 weeks to unmarried single women. Holding the distinction created between married and unmarried women as artificial and constitutionally unsustainable, it allowed termination of pregnancy between 20-24 weeks on certain exceptional grounds. The court held it is the right of every woman to make reproductive choices without undue interference from the state. Court also included victims of marital rape under MTP act.



## THE LAW ON ABORTION

The law on abortion in India is governed by the Medical Termination of Pregnancy (MTP) Act, 1971 which was amended in 2021 to incorporate certain changes. The act provides for termination of certain pregnancies by registered medical practitioners. The various provisions governing different time periods in the pregnancy are given below:

1. **Pregnancy up to 20 weeks** : Approval of one a registered medical practitioner mandatory. Further, he should be of the opinion that the continuation of pregnancy has risk to life or injury to health of the pregnant woman or the child if born would suffer from abnormalities. The 2021 amendment also allows termination in case of failure of contraceptive method or device. The amendment gave this provision for “any woman” instead of “married women” which was the earlier rule in the 1971 act.
2. **Pregnancy more than 20 weeks but less than 24 weeks**: Approval of 2 two registered medical practitioners necessary and they should be of the opinion that the continuation of pregnancy has risk to life or injury to health of the pregnant woman or the child if born would suffer from abnormalities. It is allowed for certain specified cases given in the rules like for survivors of rape, incest or sexual assault, minors, those who became widow or divorced during pregnancy, those suffering from mental or physical disability, risk of child to suffer from abnormalities or pregnancy in humanitarian or emergency settings.
3. **Pregnancy of more than 24 weeks**: A four-member medical board constituted by the State Government will look in such cases. Termination beyond 24 weeks is allowed only on the grounds of foetal abnormalities

### **THE COURT RULING**

- The landmark ruling on reproductive rights comes in the case of *X v. Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi* held that unmarried women are also entitled to seek abortion of pregnancy of period more than 20 weeks but less than 24 weeks arising out of consensual relationship.
- The court stated that the distinction between married and single and married women is constitutionally unsustainable. Unmarried women who conceive out of a live -in relationship are entitled to relief under the MTP act.
- The court also pointed out that the 2021 amendment to MTP act had removed the distinction between married and unmarried women.
- Such artificial distinction between married and unmarried women violates Article 14(Right to equality) and right to reproductive autonomy.
- The court noted that law must be interpreted keeping in mind the changing social mores
- The court also made a big change by ruling that the meaning of “rape” will include “marital rape” for the purpose of MTP Act. This means that pregnancy caused by marital rape are also eligible for termination. This is only for the purpose of MTP act and not Indian Penal Code.
- The court recognised a husband’s act of sexual assault or forced intercourse committed on his wife as ‘rape’ but the court said that understanding ‘rape’ under the MTP Act would not have the effect of striking down Exception 2 to Section 375 which excludes marital rape from the ambit of offense of rape under Section 375.

### **SIGNIFICANCE OF THE RULING**

- Where developed countries like USA have recently overturned constitutional validity of right to abortion given in the landmark case of *Roe v Wade*, the Supreme Court of India has given a progressive direction to abortion laws and reproductive rights in India.

- As the apex court rightly pointed out, the right to reproductive autonomy is closely linked with the right to bodily autonomy. Hence, the decision to carry the pregnancy to its full term or terminate it ultimately vests in the right to bodily autonomy of the pregnant woman.
- Forcing a woman to carry an unwanted pregnancy can result in negative consequences on the physical and mental health of the woman, often hampering her education, career and life choices, taking away her financial independence and bodily integrity.
- Decision to give birth is based on various factors like social, situational and financial circumstances. Hence it should be left to be decided by the woman.

### **CHALLENGES**

- The decision to allow termination or not will depend on case to case basis and on the recommendation of medical practitioners. So, the autonomy of women in reality is not unlimited
- The law still does not permit abortion at will, this is known to push women to access illicit abortions under unsafe conditions.
- Though court took a remarkable step in declaring marital rape as rape for the purpose of MTP act, recognizing the violence and lack of consent in this issues, marital rape is still not considered an offence under Section 375 of the IPC

### **WAY AHEAD**

We should strive to provide complete bodily autonomy, inclusivity and reproductive equity to women. Right to abortion is closely linked with Right to life under Article 21. Every woman should have access to safe and legal abortions with integrity.

**Saumya khedwal**

## **Oceanic warnings: Changing nature of Hurricanes**

Pre: Indian and world physical –geography.

Mains: GS-I important geographical phenomenon

### **Why in headlines?**

- Hurricane Ian, a tropical storm with heavy rain and winds of 73mph, recently hit the southern Eastern Seaboard of the United States.
- Scientists say that the storm is acquiring power rapidly and, if the latest history is any guide, it can intensify dangerously as it approaches Cuba



**Hurricane:**

- These are kind of storms which carries a wind speed of 74 miles per hour spinning around them.
- They develop on the warm water near the equator and are one of the strong storms on the planet
- Large storms that occur over the Atlantic Ocean or the Eastern Pacific Ocean is often referred to as hurricane zone.

**How do hurricanes form?**

- In low-pressure Areas, when warm, wet air rises upwards from the surface of the ocean, it generates a low-pressure zone below.
- During this air form, the surrounding areas try the air from the surrounding areas and rush in to fill the space, ultimately rising as it warms and gets moist.
- In the middle of the cyclone, an eye forms: this is the most silent area of the cyclone. Before the wind reaches the centre, it warms up and climbs upward, and the moisture condenses as they warm up and climbs upward and the moisture condenses as the heated air rises and cools.
- This cloud and wind system continues to expand and spin.
- The hot temperature of the ocean and the water that evaporates from its surface fuel this disturbance, which causes storm systems to revolve faster and more rapidly.
- Storms that occur north of the equator rotate counter-clockwise, although those that form south of the equator revolve clockwise because of the earth’s rotation
- Hurricanes can last up to 14 in some areas.

Difference between Cyclone, typhoons and Tornado,

<b>Cyclone</b>	<b>Typhoons</b>	<b>Tornado</b>
Around a low-pressure area, when there develops a rapid inward air circulation, this circulation of air is called Cyclone	These are full-grown tropical cyclones, these matured cyclones usually develops between “Between 180° and	Tornados are natural phenomena which are consisting of a violently rotating column of air that extends from a

	100°E” in the Northern Hemisphere.	thunderstorm to the ground.
The air circulates in clockwise direction in southern hemisphere and in an anti-clockwise direction in Northern Hemisphere.	This region is referred to as the Northwestern Pacific Basin is the most active tropical cyclone zone on Earth.	They are whirlpools of rapidly moving air. The tornado forms when there are changes in wind speed and direction creating a horizontal spinning effect within a storm cell..
They come with violent storms and bad weather.	For organizational purposes, the northern Pacific Ocean is divided into three regions: the eastern (North America to 140°W), Central (140°W to 180°), and western (180° to 100°E).	This effect is then tipped vertically by rising air moving up through the thunderclouds.
Indian Ocean region affected by the cyclone: Bangladesh, India, Maldives, Myanmar, Oman, Pakistan, Sri Lanka and Thailand	Tropical cyclones in the Pacific Ocean can affect coastal regions of Mexico, south-east Asia, north-east Australia and the South Pacific islands.	Tornadoes usually occur in middle latitudes.. They are usually referred to as twisters or cyclones
	The Indian Ocean can affect India, Bangladesh, north-west Australia, some parts of East Africa and Indian Ocean islands such as Mauritius and Madagascar.	Tornados have been spotted on all continents except for Antarctica



Cyclone

Tornado

Typhoon

## **Climate change**

### **Changing the nature of hurricanes**

They are becoming wetter, windier and stronger due to the effects of climate change.

In addition to it, it has been observed by scientists that it is influencing the storms to move slowly and letting them dump more water in one location

Creating grounds:

Temperature:

The earth is becoming hotter because of climate change but wasn't for the oceans.

But, over the past 40 years, the ocean helped to reduce 90% of the warming brought on by the discharge of heat-trapping greenhouse gases.

The majority of oceanic heat is concentrated near the water surface.

Moisture:

In addition to it, the storms have the ability to produce more rainfall and can increase due to climate change.

A hotter environment can store more moisture, for which water vapour accumulates until clouds from raindrops are released, putting down the heavy rain.

Frequency of hurricanes:

The usually considered seasons of hurricanes are changing due to the change of climate since most of the time the years become storms friendly.

**Farhin**