
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**REPRODUCTIVE RIGHTS OF WOMEN IN INDIA: A
CONSTITUTIONAL FRAMEWORK AND JUDICIAL
INTERPRETATION**

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Abstract

Although the Indian Constitution does not specifically list reproductive rights as fundamental rights, they are a crucial part of women's autonomy, equality, and dignity. Despite this textual silence, Indian courts especially the Supreme Court have revolutionized the recognition and extension of reproductive rights through constitutional interpretation. With a primary focus on Articles 14, 15(3), and 21 of the Indian Constitution, this article explores the development of women's reproductive rights in India through the prism of the constitutional framework and judicial interpretation.

*It can be argued that reproductive choice is now a constitutionally protected aspect of individual liberty, bodily integrity, privacy, and decisional autonomy, rather than a matter of medical discretion and state control. The paper demonstrates how courts have used constitutional morality to put individual choice ahead of social and patriarchal norms through a doctrinal analysis of significant rulings like *Suchita Srivastava v. Chandigarh Administration*, *Justice K.S. Puttaswamy v. Union of India*, and *X v. Principal Secretary, Health and Family Welfare Department*. These cases have been dealt extensively in this research paper.*

This paper shows that judicial interpretation has consistently incorporated constitutional values into the application of statutory frameworks, such as the Medical Termination of Pregnancy Act, which function as regulatory mechanisms. This ensures substantive equality and non-discrimination, especially with regard to marital status and mental health. The study also critically assesses the drawbacks of court-centric protection, such as inconsistent court

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rulings and obstacles to underprivileged women's access. In order to guarantee the successful implementation of reproductive rights in India, the research concludes by highlighting the necessity of a cogent, rights-based legislative strategy firmly rooted in constitutional principles.

Keywords: Reproductive Rights, Women's Autonomy, Constitutional Interpretation, Judicial Activism, Right to Privacy, Bodily Integrity

Introduction

Reproductive rights form an integral part of women's human rights and are central to the realization of autonomy, dignity, and substantive equality.³ Fundamentally, these rights cover a woman's capacity to make voluntary, educated decisions about her reproductive health, including issues of contraception, pregnancy, childbirth, and pregnancy termination. In a society characterized by strongly ingrained patriarchal norms and unequal power relations, the State, medical institutions, and families have traditionally exercised authority over reproductive decision-making rather than women herself.⁴ Therefore, the acknowledgement and protection of reproductive rights is a constitutional issue that affects fundamental freedoms and rights rather than only being a matter of health policy.

Reproductive rights are not specifically recognized as fundamental rights in the Indian Constitution. The constitutional text says nothing about sexual and reproductive health, reproductive choice, or physical autonomy, in contrast to some international human rights accords.⁵ The progressive establishment of reproductive rights within the constitutional framework has not been hindered by this lack, nevertheless. The Indian courts have been instrumental in recognizing reproductive autonomy as a crucial element of individual liberty, dignity, and privacy through an expansive and purposeful interpretation of fundamental rights, especially Articles 14, 15, and 21.⁶ This judicial evolution shows that courts change and update their interpretation of the Constitution to match new social conditions and modern ideas of individual freedom.

³ UNFPA, *Reproductive Rights Are Human Rights* (UNFPA, 2014).

⁴ SAMA Resource Group for Women and Health, *Country Assessment on Human Rights in the Context of Sexual Health and Reproductive Health Rights: A Study Undertaken for the National Human Rights Commission* (Report, April 2018).

⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), arts 12 & 16.

⁶ *Suchita Srivastava v Chandigarh Administration* (2009) 9 SCC 1.

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Reproductive rights have been recognized primarily through Article 21 of the Constitution, which provides the right to life and personal liberty. Through judicial interpretation, Article 21 has evolved from a narrowly interpreted guarantee of physical existence to a broad range of rights that guarantee a life of dignity and meaningful choice.⁷ Reproductive choices, which are extremely private and intimate, have come to be seen as essential to individual freedom and physical integrity within this broadened context. The acceptance of reproductive choice as a constitutional right signifies a departure from a paternalistic perspective that puts the needs of the state or society ahead of personal freedom.

In a similar spirit, Article 14 has been used to address discriminatory practices and disparities that disproportionately affect women's ability to make reproductive decisions. Judicial scrutiny under the equality principle has revealed how women might be treated arbitrarily and unfairly due to distinctions based on social morality, marital status, or medical opinion.⁸ The State's fundamental duty to safeguard women's health and reproductive well-being not as a matter of charity but as a matter of constitutional duty is further reinforced by Article 15(3), which authorizes special measures for women.⁹ These clauses collectively constitute the normative constitutional framework that has been used by judges to articulate reproductive rights.

Constitutional morality plays an important part in Indian reproductive rights jurisprudence. Courts have emphasized more and more that constitutional values like equality, autonomy, and dignity must take precedence over societal or moral condemnation.¹⁰ This strategy has been especially clear in abortion-related issues, where court rulings have emphasized that a woman's right to make reproductive decisions cannot be subjected to social ideas of honour or morality. By prioritizing individual choice, the judiciary has sought to dismantle long-standing assumptions that view women primarily as reproductive agents rather than as rights-bearing individuals.

However, there have been some restrictions on the use of judicial interpretation to defend reproductive rights. A case-by-case adjudicatory approach that frequently relies on judicial

⁷*Maneka Gandhi v Union of India* (1978) 1 SCC 248.

⁸*X v The Principal Secretary, Health and Family Welfare Department, Government of NCT of Delhi* & Anr, 2022 SCC OnLine SC 1321.

⁹*Anuj Garg v Hotel Association of India* (2008) 3 SCC 1.

¹⁰*Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

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discretion has resulted from the lack of an express constitutional or legislative articulation of these rights. Class, caste, geographic, and medical infrastructure-related structural disparities continue to influence access to reproductive healthcare.¹¹ These difficulties highlight the necessity for a more cogent rights-based framework.

In light of this, the current study conducts a doctrinal examination of Indian women's reproductive rights using the framework of the constitution and judicial interpretation. It explores significant court rulings that have influenced this jurisprudence, looks at how the judiciary has derived reproductive rights from fundamental rights, and critically assesses the shortcomings of current methods. The study aims to show that although court intervention has played a significant role in promoting reproductive autonomy, the achievement of reproductive rights necessitates on-going constitutional commitment and legislative clarity based on the values of equality, dignity, and choice.

Reproductive rights and constitutional framework

The constitutional framework governing reproductive rights in India has evolved primarily through judicial interpretation rather than explicit textual recognition. The fundamental rights guaranteed by Part III of the Constitution serve as the normative basis for reproductive rights, even though legislation instruments like the Medical Termination of Pregnancy Act, 1971 provide a regulatory framework for abortion. The main constitutional pillars that courts have used to explain women's reproductive autonomy are specifically Articles 21, 14, and 15(3).¹² This interpretive development reflects a shift from a permission-based statutory approach towards a rights-oriented constitutional understanding.

Through judicial interpretation, Article 21 of the Constitution experienced a dramatic transformation. Initially confined to protection against arbitrary deprivation of physical existence, the scope of Article 21 has expanded to include the right to live with dignity, autonomy, and meaningful choice.¹³ Within this expanded ambit, reproductive decision-making has increasingly been recognized as an intrinsic aspect of personal liberty and bodily integrity.

¹¹ Ministry of Health & Family Welfare, *National Family Health Survey-5* (2019–21).

¹² Ramanuj Pandey, 'Reproductive Rights of Women in India: Legal Framework, Socio-Cultural Barriers, and the Road Ahead' (2025) 2(6) *The Infinite: An International Peer Reviewed Journal of Multidisciplinary Research*.

¹³ M.P. Jain, *Indian Constitutional Law* (8th edn., LexisNexis, Gurugram, 2018).

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A woman's physical, mental, and emotional health are strongly impacted by her reproductive choices, which include choosing to conceive, carry a pregnancy to term, or terminate it. Article 21's judicial recognition of reproductive autonomy is predicated on the idea that personal autonomy over one's body is essential to one's dignity. Courts have recognized that denial of reproductive healthcare or coerced pregnancy continuation may constitute an infringement of constitutional dignity by placing reproductive choice within the right to life and personal liberty.

The connection between Article 21 and reproductive rights also reinforces the idea that the right to life includes both quality of life and survival. The substantial content of personal liberty is undermined when a woman is forced to carry on an undesired pregnancy, especially in situations that have an impact on her health, mental health, or social circumstances. As a result, reproductive autonomy is now seen as a component of Article 21-protected decisional freedom.¹⁴

The recognition of the right to privacy as a constitutionally protected interest has further strengthened the constitutional basis of reproductive rights. Privacy, understood as decisional autonomy in intimate matters, includes the freedom to make choices regarding one's body and reproductive functions without unwarranted interference from the State or society.¹⁵ Reproductive decisions are inherently private, involving intimate assessments of personal circumstances, health considerations, and individual aspirations.

Constitutional interpretation has emphasized that reproductive choices cannot be subject to social control or moral policing by placing them within the realm of privacy. The idea that a woman's body cannot be used to further societal, familial, or demographic goals is reinforced by bodily integrity, which is a crucial aspect of privacy.¹⁶ This constitutional reasoning differs from methods that put state or medical power ahead of individual consent.

In order to overcome the systemic injustices that limit women's access to reproductive rights, Article 14 is essential. In the context of reproduction, formal equality is insufficient because women are frequently at a disadvantage due to biological and societal disparities. Therefore,

¹⁴Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1

¹⁵K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1

¹⁶*Ibid.*

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judicial interpretation under Article 14 has concentrated on substantive equality, investigating whether administrative and legal procedures lead to discriminatory or arbitrary treatment of women.¹⁷

Women's reproductive options have often been limited by distinctions based on social morality, age, or marital status. Courts have questioned the fairness and reasonableness of such disparities by using Article 14, especially where they don't have a reasonable connection to justifiable governmental goals.¹⁸ Therefore, equality jurisprudence in the field of reproduction aims to eliminate legal obstacles that uphold patriarchal presumptions about women's sexuality and reproductive roles.

In recognition of structural and historical obstacles, Article 15(3) gives the State the authority to create particular measures for women and children. This clause emphasizes the State's affirmative duty to guarantee access to safe abortion facilities, maternal services, and reproductive healthcare in the context of reproductive rights. These policies are tools to attain substantive equality rather than exceptions to it.

Judicial reliance on Article 15(3) emphasizes that reproductive health is a public obligation rather than just a private one. Beyond non-interference, the State has an obligation to take proactive steps that allow women to make safe and informed reproductive choices.

Constitutional morality is a key normative idea that supports reproductive rights jurisprudence.

Courts have emphasized increasingly that societal morality must yield to constitutional ideals, especially when it comes to issues regarding individual autonomy.¹⁹ As patriarchal standards regard women primarily via their reproductive functions, reproductive choices are frequently subject to moral criticism. Such viewpoints are contested by constitutional morality, which places a high value on equality, freedom of choice, and dignity. The judiciary has upheld the notion that women are independent, rights-bearing individuals

¹⁷E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3

¹⁸X v. Principal Secretary, Health and Family Welfare Department, Govt of NCT of Delhi, 2022 SCC OnLine SC 1321

¹⁹Alam Mohammed Raza, 'Reproductive Rights of Women in India' (2025) 5(3) *Indian Journal of Legal Review*

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with the freedom to make reproductive decisions free from moral judgment or pressure by citing constitutional morality. By bringing reproductive rights into line with the fundamental principles of the Constitution, this strategy fortifies the constitutional framework.²⁰

These are the various constitutional provisions which ensure reproductive autonomy of women in India but it must be noted that in cases concerning abortion a woman may approach the High Court or Supreme Court against a Medical Board's refusal, as reproductive autonomy is protected under Article 21; however, termination is granted only after constitutional balancing rather than as an automatic entitlement.

Reproductive Rights in India: Judicial Interpretation

The Indian judiciary has been crucial in establishing and upholding reproductive rights through the interpretation of fundamental rights in the absence of a clear constitutional clause. Reproductive choice is now a part of constitutionally protected autonomy, dignity, and personal liberty rather than a subject of medical judgment and legal authorization. Judicial intervention has been instrumental in transforming reproductive choice from a matter of medical discretion and statutory permission into an aspect of constitutionally protected autonomy, dignity, and personal liberty. Courts have gradually established reproductive rights as fundamental to Article 21 through a number of significant rulings, all the while addressing equality and non-discrimination principles under Article 14.

*Suchita Srivastava v. Chandigarh Administration*²¹ is one of the first and most important court rulings supporting reproductive autonomy. In this instance, the Supreme Court clearly acknowledged that one aspect of "personal liberty" under Article 21 is a woman's ability to make reproductive decisions. The Court stressed that the right to procreate and the right to refrain from procreating are both aspects of reproductive autonomy. Significantly, the ruling emphasized that consent is essential to reproductive decision-making and that, even while pursuing social welfare goals, bodily integrity cannot be compromised.

The Court's logic was a clear departure from paternalistic methods that viewed women as mere objects of governmental or medical decisions. The ruling established the constitutional basis for considering reproductive choice as a right-bearing exercise rather than a privilege

²⁰ Subhash Chandra Singh "Reproductive Rights as Human Rights: Issues and challenges" 31 *Is LJ* 59(205)

²¹(2009) 9 SCC 1.

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dependent on outside approval by emphasizing consent and autonomy. Since then, this strategy has grown to be a pillar of Indian reproductive rights law.

The constitutional protection of reproductive autonomy was greatly reinforced by the acknowledgement of the right to privacy as a fundamental right. The Supreme Court found privacy at the heart of Article 21 in Justice K.S. Puttaswamy v. Union of India,²² characterizing it as vital to self-determination, autonomy, and dignity. The decision has significant implications for reproductive choice even though it did not explicitly address reproductive rights.

The Court clearly recognized that the core of privacy is decisional autonomy in issues like family, reproduction, and bodily integrity. Reproductive decisions were acknowledged as personal choices that are safeguarded by the private domain and are not subject to unjustified state intervention.

This constitutional articulation enabled subsequent courts to treat reproductive choice not merely as a health-related issue but as a fundamental freedom central to individual identity and dignity. The judiciary upheld the notion that limitations on a woman's reproductive choices cannot be justified by social or moral disapproval by incorporating reproductive choice into privacy jurisprudence. In order to challenge conventional norms that restrict women's choices to societal or familial obligations, this doctrinal development has been essential.

The constitutional interpretation of abortion-related statutes is a characteristic of contemporary reproductive rights jurisprudence. Although the Medical Termination of Pregnancy Act establishes the legal foundation for access to abortion, courts are increasingly interpreting its provisions in accordance with constitutional principles rather than viewing them as strict restrictions. This strategy is an attempt to balance fundamental rights and legislative regulation.²³

²² (2017) 10 SCC 1

²³ iPleaders, *Abortion Law in India* (iPleaders Blog, 5 October 2021) <https://blog.iplayers.in/abortion-law-in-india/> accessed 13 January 2026.

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The Supreme Court expanded access to abortion benefits to single women in *X v. Principal Secretary, Health and Family Welfare Department*,²⁴ ruling that discrimination based on marital status violates Articles 14 and 21. The Court emphasized that a woman's reproductive autonomy does not depend on her marital status and that distinctions rooted in social morality are constitutionally impermissible. By prioritizing decisional autonomy and equality, the Court effectively constitutionalized the application of the MTP framework.

Similar to this, the Supreme Court and High Courts have stepped in when Medical Boards denied termination in a number of cases involving advanced gestational stages. Courts have generally maintained that medical opinions are not conclusive when they interfere with a woman's fundamental rights, even while they acknowledge the significance of such opinions. Considerations of mental health, dignity, and the irreparable effects of forced pregnancy continuation have driven judicial scrutiny in these situations.

There are serious constitutional concerns about autonomy and access because of the MTP framework's growing reliance on Medical Boards. Despite having a significant regulatory role, Medical Boards' rulings are administrative in nature and are subject to court review. Courts have made it clear that constitutional safeguards cannot be superseded by medical expertise, especially in cases where a woman's physical or mental health might suffer significantly from a delay or refusal. In these situations, judicial review serves as a constitutional safeguard, preventing statutory systems from being used as tools of arbitrary denial. However, structural flaws like delays, uneven results, and unequal access to justice are also revealed by the necessity of recurrent court involvement. The practical implementation of reproductive rights may be limited because it may be difficult for women from marginalized backgrounds to contact constitutional courts.

Reproductive rights jurisprudence in India is shaped by a number of recurring concepts that can be found when judicial decisions are studied collectively. First, Article 21 clearly establishes reproductive autonomy as a component of bodily integrity, dignity, and freedom of choice. Second, eliminating limitations based on marital status or moral concerns depends heavily on equality and non-discrimination under Article 14. Third, in order to make sure that

²⁴ 2022 SCC OnLine SC 1321.

regulatory procedures respect fundamental rights, statutory frameworks are increasingly being viewed via a constitutional lens.

However, judicial protection is still mostly case-specific, based on unique facts and the judge's judgment. Although this flexibility has made it possible for courts to handle complicated cases with compassion, it has also led to confusion and unequal access to reproductive justice.

Judicial Protection of Reproductive Rights: Limitations and Challenges

The preservation of reproductive rights in India still faces considerable structural and doctrinal obstacles, notwithstanding significant court advancements in acknowledging reproductive autonomy as a component of fundamental rights. The over-reliance on judicial involvement reveals systemic shortcomings and causes issues with accessibility, consistency, and long-term rights realization, even when constitutional courts have been helpful in individual cases.²⁵

The fact that judicial protection is case-specific by nature is one of its main drawbacks. Instead of developing a thorough rights-based framework, India's reproductive rights law has mostly developed through individual petitions. As a result, outcomes often depend on the factual matrix of each case, including gestational age, medical opinion, and judicial discretion. This ad hoc approach leads to legal uncertainty, as similarly situated women may receive different outcomes based on procedural delays or variations in judicial reasoning.

A fundamental element of the rule of law is the predictability of the law, which is compromised by such discrepancy.²⁶

Women who want abortions are frequently compelled to participate in urgent litigation, where the viability of relief is determined by rash decisions. In this situation, access to reproductive rights is no longer guaranteed as an enforceable entitlement but rather depends on the ability to rapidly petition constitutional courts.

²⁵Preeti & Seema Dahiya, *Judicial Interventions in Women's Reproductive Rights: Case Studies from India*, 13(5) International Journal of All Research Education and Scientific Methods 3752 (2025).

²⁶ Rasha Kumari Panda, 'A Critical Review of Justice Delivery in India' (2024) 3(4) *Doon Journal of Multidisciplinary Research*

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One major obstacle to reproductive autonomy is the legislative reliance on Medical Boards. Medical paternalism, in which doctors essentially act as gatekeepers of constitutional rights, might arise from the undue consideration given to Medical Boards, even though medical competence is essential in evaluating health risks. Courts have had to step in in a number of cases because medical opinions were applied mechanically, failing to take into account the woman's autonomy, mental health, or actual realities.

Furthermore, the time-sensitive nature of reproductive decisions is incompatible with the delays that frequently result from the Medical Board formation process. Judicial redress may be ineffectual if these delays cause pregnancies to exceed acceptable gestational limitations. Therefore, the structural focus on medical authorization runs the risk of putting procedural formalities ahead of constitutional rights.

Women who have the financial, social, and educational means to deal with the legal system can generally access judicial remedies for reproductive rights. Approaching High Courts or the Supreme Court presents substantial challenges for marginalized women, especially those from rural areas, lower socioeconomic backgrounds, or socially disadvantaged communities. These disparities are made worse by language obstacles, a lack of legal knowledge, and insufficient legal assistance.²⁷

Because of this, constitutional protection of reproductive rights frequently stays aspirational rather than universal. Concerns regarding the substantive equality guaranteed by Article 14 are raised by the reliance on litigation, which reinforce access disparities. The very people most susceptible to reproductive injustice run the risk of being left out of a rights system that can only be accessed through constitutional courts.

In issues involving reproductive rights, delay is especially harmful. Even in cases where gestational development is continuous and irreversible, court proceedings take up crucial time. Any procedural delay, whether brought on by court schedules, administrative obstacles,

²⁷ Archana Vasant Tekale, *Gender, Law, and Class: The Unseen Barriers to Justice for Marginalized Women* (13 August 2025).

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or medical examinations, can immediately eliminate the chance of significant relief. In certain situations, denying timely access effectively equates to denying the right.²⁸

This fact draws attention to a basic conflict between legal procedures and reproductive autonomy. Slow or laborious processes cannot sufficiently protect rights that depend on timing and quickness. The effectiveness of court-centric models in preserving reproductive freedom is called into question by the persistence of such delays.

The lack of a precise, rights-based legislative definition of reproductive autonomy is arguably the biggest obstacle. Judicial innovation cannot replace legislative clarity, even though courts have incorporated constitutional principles into statutory interpretation. Reproductive rights are safeguarded reactively rather than proactively due to a legal vacuum, which is reflected in the on-going reliance on judicial discretion.

Reproductive rights are still susceptible to uneven implementation in the absence of a thorough framework based on the constitutional values of equality, autonomy, and dignity. Even though judicial protection is progressive, its reach and durability are fundamentally constrained. Therefore, a change from judicial accommodation to legislative affirmation based on constitutional morality is necessary for the long-term implementation of reproductive rights.

Conclusion and way forward

The evolution of reproductive rights under the Indian Constitution demonstrates the transformative power of judicial interpretation in filling in constitutional gaps. The Indian Constitution does not specifically list reproductive rights, but the judiciary has gradually deduced these rights from the Part III principles of life, liberty, equality, dignity, and privacy. Courts have placed women's reproductive decisions within the framework of fundamental rights by recognizing reproductive autonomy as a crucial part of personal liberty and bodily integrity through purposive interpretation of Articles 14, 15, and 21.

The debate on reproductive rights has shifted from one of medical control and statutory authority to one of constitutional entitlement, mostly due to judicial decisions. Courts have

²⁸ Sachin Indiwari & Balasaheb Garje, *Justice Delayed Is Justice Denied: Analysing Speedy Trial Jurisprudence, Judicial Delays, and Reforms with a Focus on Jharkhand*, 6 IJAMSR 12 (2023).

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questioned the paternalistic presumptions that traditionally guided reproductive decision-making by emphasizing consent, decisional autonomy, and mental health. Particularly when it comes to abortion, the constitutional interpretation of legislative frameworks has made sure that regulatory processes work in tandem with basic rights rather than apart from them. This strategy has been crucial in promoting substantive equality and eliminating exclusions based on marital status and social morality.

However, there are inherent drawbacks to using court involvement as the main means of defending reproductive rights. Uncertainty and unequal access to justice are caused by case-by-case adjudication, procedural delays, and reliance on medical boards. Many women still find it challenging to access constitutional remedies, especially those from marginalized and socioeconomically disadvantaged backgrounds. Reproductive decisions are time-sensitive, which highlights the shortcomings of court-centric methods, which frequently lead to the effective denial of rights.

These difficulties highlight the necessity of a cogent and all-encompassing legislative framework founded on rights and firmly rooted in constitutional principles. Although judicial innovation has been progressive and vital, it cannot take the place of legislation that clearly articulates reproductive autonomy as an entitlement rather than an exception. A rights-oriented strategy that prioritizes women's autonomy, dignity, and informed consent must replace the permission-based approach in legislative reform. A framework like this should reduce procedural obstacles, provide consistent standards, and improve access to reproductive healthcare services for all social groups and geographical areas.

In conclusion, the development of reproductive rights in India shows the judiciary's dedication to individual liberty and constitutional decency. However, consistent constitutional commitment backed by institutional transformation and legal clarity is necessary for the full fulfilment of reproductive autonomy. Reproductive rights can only be successfully safeguarded as an essential component of women's constitutional rights by taking such a comprehensive approach.

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