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BEYOND THE CEILING: BODILY AUTONOMY AND JUDICIAL DISCRETION IN XYZ V. STATE OF MADHYA PRADESH

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INTRODUCTION

The Madhya Pradesh High Court delivered a very significant judgement in *XYZ v. State of Madhya Pradesh* (2021)¹ that delves with an intriguing balance between the right of a rape survivor to make decisions about her own body, the rules that are laid down in the Medical Termination of Pregnancy Act, 1971² and her fundamental right to life and personal liberty guaranteed under Article 21 of the Indian Constitution.³ This case was instituted by a mother of a 23-year-old daughter with severe intellectual disability. She sought permission for the medical termination of pregnancy, which resulted from rape. The lower Court rejected her plea as the pregnancy had progressed to approximately 25 weeks, which falls beyond the 24-week period ceiling stipulated by the recently amended MTP Act⁴. This case went to the High Court of Madhya Pradesh.

The main legal question in the case was whether the High Court, in exercise of its writ jurisdiction, could permit a medical termination of pregnancy even beyond the statutory limit, giving prior importance to the survivor's mental health and bodily integrity. The Court allowed the termination by giving a verdict that affirmed her rights. The following commentary argues that this judgment is a plausible example of the Court's interpretation of the law in a compassionate and purposeful manner. The Hon'ble Judges stepped in to protect a vulnerable rape victim from any further trauma and upheld the true spirit behind the MTP Act. There is an assumption in law that rape causes deep mental distress. This doesn't disappear in 24 weeks of pregnancy, and so recognizing the victim's right to life and personal liberty was a decision that reaffirmed that the personal rights of an individual are above the statutory provisions, especially in such traumatic cases.

¹ *XYZ v State of Madhya Pradesh* WP No 12155/2021 (Madhya Pradesh High Court, 14 July 2021).

² The Medical Termination of Pregnancy Act 1971 (MTP Act).

³ The Constitution of India 1950, art 21.

⁴ The Medical Termination of Pregnancy (Amendment) Act 2021.

LEGAL ISSUES AND STATUTORY FRAMEWORK

The Medical Termination of Pregnancy Act, 1971, was amended in 2021 by the 8th Amendment Act, through which the upper limit for abortion was changed from 20 to 24 weeks for certain groups of women, especially the survivors of sexual assault. Unfortunately, the lower Court overlooked this fact. This case basically revolved around how, in the rare cases such as this, the statute should be interpreted where technically the date fell just beyond the new 24-week limit.

The key legal questions before the Court were:

1. How should the phrase "grave injury to her physical or mental health" under Section 3(2)(b)(i) of the MTP Act⁵ be interpreted in the case of a rape survivor with severe mental disabilities whose pregnancy has crossed the 24-week statutory ceiling?
2. What is the legal force and applicability of Explanation 2 to Section 3(2), which presumes that a pregnancy caused by rape constitutes a "grave injury to the mental health" of the pregnant woman?⁶
3. To what extent can the constitutional right to make reproductive choices, as a dimension of "personal liberty" under Article 21, inform the Court's decision to permit a termination beyond the statutory timeline?

The relevant legal provisions that were used to deliver this judgement were Section 3 of the MTP Act, which describes the conditions for the termination of pregnancy, and Article 21 of the Indian Constitution. The lynchpin for the reasoning of the Court was the explanation 2 of the Section 3(2) which states "...where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by the pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman". Further the precedents like *Suchita Srivastava & Another v. Chandigarh Administration* (2009) helped the Court to establish that "a woman's right to make reproductive choices is also a dimension of 'personal liberty' as understood under Article 21".⁷

ANALYSIS AND CRITIQUE OF THE COURT'S REASONING

The sensitive reasoning of the High Court in this case is a masterclass in how the statutes must be interpreted to balance between the rights of the individual, nomenclature of the statute, and the actual purpose of the statute. The Court here did not adopt a rigid and textual approach, as

⁵ MTP Act (n 2) s 3(2)(b)(i).

⁶ *ibid*, s 3(2) Explanation 2.

⁷ *Suchita Srivastava & Another v Chandigarh Administration* (2009) 9 SCC 1.

it would have technically denied the right to abortion to this young lady; instead, the Court looked deep into the spirit and objective of the MTP Act to consider this situation of a survivor of a sexual assault.

Explanation 2 to section 3 (2) is the base for this judgement and has been actively engaged with. The Court pointed out how this provision's main aim is to reflect a deep legislative empathy acknowledging that a pregnancy that is induced by rape is, by its very nature, traumatic enough to provide grave injury to the mental health of a young woman. This is where the critical and progressive approach of the Court comes forward, where it refused to confine the legislative empathy within a strict and defined boundary. The Court observed that "legislative liberality when it comes to expanding the concept of the grave injury to mental health cannot evaporate no sooner the ceiling of 24 weeks prescribed in Section 3(2)(b) of the MTP Act is crossed".⁸ This is a powerful assertion of judicial reasoning, suggesting that the "why" (the reason for termination, i.e., the trauma of rape) can, in exceptional cases, outweigh the "when" (the gestational age).

In addition to this, the decision of the High Court is firmly based on and derived from our constitutional principles. By invoking the decision in *Suchita Srivastava*, the Court established that this isn't merely an issue of a statutory question but of fundamental rights. It held that under article 21, it would be a violation of the bodily integrity and personal liberty of the 23-year-old woman, who has a mental age of a 6-year-old⁹. With this trauma of survival, she cannot even take care of herself, let alone the child. This approach of the Court is right-based as it does not portray unwanted pregnancy as a medical condition to be managed but as a continuing source of a traumatic experience and violation of the survivor's right to personhood.

Another thing that the Court kept in mind was the actual or reasonably foreseeable environment of the survivor that is permitted under section 3(30) of the MTP Act.¹⁰ The Medical Board gave the opinion that she would not be able to take care of the baby, and this was considered a vital factor. Instead of focusing on the immediate medical risk of terminating the pregnancy, the Court focused on the long-term devastating psychological and social consequences for the mother and the child. This approach demonstrated a holistic and pragmatic approach. This

⁸ XYZ (n 1).

⁹ Constitution of India (n 3).

¹⁰ MTP Act (n 2) s 3(3).

nuanced understanding moves beyond a purely clinical assessment to a socio-legal one, which is essential for delivering substantive justice.

IMPLICATIONS FOR SURVIVOR-CENTRIC JUSTICE

The High Court's judgement in *XYZ v. State of Madhya Pradesh* has many positive and significant implications for the future of reproductive rights and also for survivor-centric justice in India.

Firstly, if any such 'hard case' is brought before other High Courts, they could use it as a precedent to decide the grey area, i.e., just beyond the statutory limit of 24 weeks. The judgment has laid down a straightforward and compassionate legal approach which allows the courts to interpret the MTP Act harmoniously with the fundamental rights guaranteed under Article 21 of the Indian Constitution. By applying this principle, the Court made sure that, due to uncontrollable circumstances like procedural delays or late discovery of pregnancy, the vulnerable victim does not feel completely helpless. There is a need to recognise the actual realities of the survivors as done in this judgement by prioritising their dignity, autonomy, and access to justice.

Secondly, the Court emphasised that what's central in these cases is the mental suffering and agony of the survivors, which must be treated. The law, as under Explanation 2, will always acknowledge the profound psychological impact of a sexual assault. This has marked a significant shift in understanding of pain from only a physical and clinical term to actually considering the emotional and mental impact as well, which is towards a more compassionate and comprehensive understanding.

Finally, this case also highlights that there is a critical gap in the MTP Act itself. We know that the amendment of 2021 was a progressive step. However, it still falls short in one key legal area as it does not provide for exceptions or any clear legal route that is to be taken in these exceptional circumstances. Due to this, the victim, who is already in agony, has to go through the complicated, uncertain, and time-consuming process of filing a writ petition in the Court. Therefore, the judgment somewhere also suggests an urgent need for reform. It requires a precise judicial or statutory mechanism that either gives more power to the Medical Boards or sets up a fast-tracking judicial process for handling all sorts of sexual abuse cases where abortion requests are beyond 24 weeks, resulting from rape, incest, or severe fetal

abnormalities. This kind of reform would be helpful in recognising the type of compassionate discretion that the High Court wanted to establish through this case and make it more accessible to others in similar situations.

CONCLUSION

This judgment by the High Court in XYZ v. State of Madhya Pradesh is highly just and humane. It sought to apply the law in a very compassionate and attentive manner, rather than making it rigid or mechanical, so that it is consistent with the life and experience of an exceptionally vulnerable survivor. By placing the survivor's mental health, bodily autonomy, and right to live with dignity at the heart of its reasoning, the Court not only delivered justice in this individual case but also contributed meaningfully to the evolving landscape of reproductive rights in Indian law.

The judgment is a powerful reminder that justice is not merely about the application of black-letter law, but about ensuring that legal frameworks serve their ultimate purpose of protecting the rights and dignity of the individual. To build on this progressive verdict, the path forward requires two key actions: first, the widespread sensitization of the lower judiciary to ensure that the law, including its amendments, is correctly and compassionately applied at the first instance; and second, a legislative initiative to codify a clear exception pathway for MTP beyond 24 weeks in exceptional cases. This would ensure that the rights vindicated in XYZ are accessible to all survivors, without forcing them to endure the additional trauma of protracted litigation to secure their fundamental right to personal liberty and reproductive choice.