



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CASE COMMENTARY ON X VS. THE PRINCIPAL SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVT. OF NCT OF DELHI & ANR.

AUTHORED BY: JOSNA ANN BINO (4 BA LLB B) & JENNY ROSE PG (4 BA LLB A)

2nd year of BA LLB(Hons.), Christ (Deemed to be University), Bengaluru

CITATION

2022 SCC OnLine SC 1321

BENCH

Hon'ble Dr. Chandrachud, Hon'ble Ms. Kohli, Hon'ble Pamidighantam Sri Narasimha

INTRODUCTION

Over the years there has been an increase in the presence of women in various sectors in India including politics, education, and employment. This progress can be traced back to the times of Independence when women actively joined with men in fighting for economic and social rights. In 1950, the Indian Constitution ensured equal rights and opportunities for women.

The general election that took place in 1952 recognised women's participation as voters and as candidates due to the constant advocacy of women's voting rights by Sarojini Naidu, Annie Besant, and others. Since then, there have been various efforts for the upliftment of women in India. The 73rd Amendment in the Constitution has mandated one-third reservation for women in the local panchayath to ensure the upliftment of women at the grassroot level. Positions such as the President of India, Lok Sabha speaker, and chief ministers of various states have seen a wide increase in the presence of women. Even though gender discrimination and wage gap differences have reduced over the years they still pose a challenge in the society. In the education sector, there has been an increase in the enrollment rate, and more women are completing their secondary education and are getting into professional workplaces. Movements against the dowry system and female infanticide gained momentum thus shedding more awareness about social stigmas in the country. Various legal reforms against workplace harassment and domestic

violence have been passed to ensure the bodily integrity and autonomy of a woman.

FACTS

The appellant in this case is a woman who remains unmarried at the age of twenty-five, hailing from Manipur, and currently residing in New Delhi. Through a consensual relationship with her partner, she became pregnant. However, due to her partner's refusal to marry and her responsibilities as the eldest child within her family, she desired to terminate the pregnancy. She was at a point where she carried an intrauterine device corresponding to twenty-two weeks of gestational period. Her reasoning behind ending the pregnancy stemmed from concerns about societal stigma and harassment faced by single unwed parents, particularly women.

In light of these circumstances, the appellant presented a writ petition before the High Court of Delhi for permission to terminate her pregnancy. This plea was rooted in fears surrounding social stigmatisation and harassment which she would inevitably encounter as an unmarried woman raising a child on top of her unemployment struggles.

ISSUES

Whether Rule 3B of The Medical Termination of Pregnancy Act, 1971 includes unmarried women, single women, or women without a partner under its ambit.

LAW

The Medical Termination of Pregnancy Act 1971

The Medical Termination of Pregnancy (Amendment) Act 2021

ANALYSIS

1. In this particular case, Chief Justice D.Y Chandrachud emphasized the importance of comprehending the underlying intention behind implementing the **Medical Termination of Pregnancy Act in 1971**. This involves focusing on the purpose and objective that drove its creation. It is crucial to delve into the minds of those responsible for crafting this legislation, as it aids in understanding both its scope and limitations. When interpreting subordinate laws, it is essential to align them with their enabling Acts.

These subsidiary laws should be reasonable and abide by existing legal frameworks as a whole. In order to truly give meaning and effect to the original intent and aspirations driving these enabling Acts, they must be understood in a meaningful manner. The interpretation chosen ought not only to bring about effective implementation but also to align harmoniously with the legislative framework at large.

2. Marriage, as a sacred institution, should transcend mere legal recognition and encompass society's evolving norms and values. This was reiterated in the landmark case of ¹**Badshah v. Urmila Badshah Godse**, where the court highlighted the necessity of adapting laws to changing times and situations. Speaking on behalf of a two-judge panel, Justice Sikri articulated that it is incumbent upon courts to bridge the divide between legislation and societal dynamics by interpreting laws in line with their underlying purposes. A similar stance was upheld in ²**Navtej Singh Johar v. Union of India**, wherein the court emphasized that our constitutional framework is inherently transformative. The judgment focused particularly on contemporary forms of relationships, highlighting how societal understanding perceives a family, primarily as an individual unit. The significance lies not only in recognizing marriage as granting legal rights but also in acknowledging its role as a reflection of prevailing social mores. It calls for an inclusive interpretation that adapts marriage laws to suit diverse relationships and ensures they are aligned with modern sensibilities. This presumption fails to acknowledge the reality that many families do not initially conform to this expectation, and it also overlooks the numerous factors that can lead to a change in a person's family structure, such as domestic partnerships, cohabitation, or same-sex relationships. The loss of a spouse through death, separation/divorce, or any combination of these events, may result in a household being headed by a single parent.³ Treating live-in relationships and premarital sex as criminal activities has caused various obstacles within society.
3. The Court further emphasized the equitable treatment of both married and unmarried women within the nation, as evidenced by the implementation of **The Maternity Benefit Act of 1961**. This legislation ensures that all women, regardless of their marital status,

¹ Badshah v. Urmila Badshah Godse (2013) 10 SC CK 0067

² Navtej Singh Johar v Union of India 2018 INSC 790

³ S Khushboo vs Kanniammal & Anr AIR 2010 SC 3196

are entitled to its provisions. Similarly, **The Hindu Succession Act 1956** extends property rights to female coparceners, irrespective of their marital status, as seen in the enactment of the Amendment in 2005.

4. Section 312 of the **Indian Penal Code (IPC)** considered abortion to be unlawful before the passage of **The Medical Termination of Pregnancy Act 1971 (MTP)**. Only those abortions performed in good faith and exclusively to preserve the mother's life were exempted from this rule. Maternal morbidity and death rates increased as a result of women being compelled to seek out unsafe, unsanitary, and uncontrolled abortions, but since the **MTP Act** went into effect, women have been guaranteed access to safe and authorized medical abortions. The primary goal of this Act is to help women by offering them access to regulated services for pregnancy termination by licensed medical professionals.
5. The primary objective behind the implementation of the **MTP Amendment 2021** is to extend equal protection and consideration to single and unmarried women, placing them on par with their married counterparts. Furthermore, this amendment acknowledges the potential threat to women's mental well-being as a significant factor in its decision-making process. Under this legislative framework, terminating a pregnancy will be permissible up until 24 weeks gestation, contingent upon the opinion of two qualified **registered medical practitioners (RMPs)**. This extension of the upper limit for pregnancy termination under specific conditions was deemed indispensable to uphold essential principles such as dignity, autonomy, confidentiality, and justice for those women who find themselves necessitating such procedures. An important aspect of this amendment lies in removing the terminology referring only to 'married woman or her husband' from within the confines of the **MTP Act**. Through this omission, lawmakers aimed to provide clarity while affording legal protection to pregnancies that occur outside traditional marital institutions. Significantly, the **2021 Statement of Objects and Reasons** does not make a distinction between married and unmarried women. Rather, all women are entitled to the benefit of safe and legal abortions. This is consistent with **The Ministry of Health & Family Welfare Report on 'Women's Healthcare: Policy Options' by the Committee on Empowerment of Women (2020-2021)** where the rights of single women, widows, and sex workers were also upheld.

6. According to the available data, a striking 67% of women residing in India make the grave decision to undergo unsafe abortions, predominantly those belonging to the less privileged socio-economic echelons. Regrettably, this practice stands as one of the foremost culprits behind maternal fatalities and instances of debilitating health issues stemming from these dangerous procedures. Denying access to abortion increases the chances of unsafe abortion.
7. The intention behind the creation of **Rule 3B of the MTP Act** is to address the problem of limited access to abortion for women whose physical and mental well-being are affected by the restrictions imposed by previous legislation. This provision allows for an extension of the period in which a pregnancy can be terminated beyond twenty weeks, to acknowledge and consider the various risks posed during pregnancy. Factors such as changes in the environment during gestation, fetal abnormalities, delayed discovery of pregnancy in young girls or disabled women, as well as instances of sexual assault or rape pose both physical and mental health threats. The cases of⁴ **Sidra Mehboob Shaikh v. State of Maharashtra** and ⁵**Siddhi Vishwanath Shelar v. State of Maharashtra** have highlighted this issue. Consequently, this rule grants these women greater flexibility when it comes to seeking termination for an unwanted pregnancy by extending the legal timeframe within which such procedures can be carried out.
8. Spanning from **Sections (a) to (g)**, these provisions encompass a diverse array of women eligible to benefit from the aforementioned act. The focus lies on classification grounded in tangible and consequential alterations in circumstances. The provision delineates potential circumstances capable of significantly affecting material affairs. The courts possess considerable discretion in interpretation and enforcement based on the specific nature, factual intricacies, and contextual circumstances involved in each case under this Act.
9. **Rule 3B (a)** extends the entitlement to terminate a pregnancy to individuals categorized as '*survivors of sexual assault or rape or incest*, ostensibly aligning with the statute's intended purpose; nevertheless, the court has highlighted inherent flaws in this provision, as it inadequately substantiates evidence of assault when legal action has been pursued

⁴ Sidra Mehboob Shaikh v. State of Maharashtra 2021 SCC Online Bom 1839

⁵ Siddhi Vishwanath Shelar v. State of Maharashtra 2020 SCC OnLine Bom 11672

against the accused. This inability can present a potential vulnerability wherein allegations might remain unproven in the court of law. This scenario raises concerns for exploitation and encroachment upon the rights of the accused, constituting a viewpoint that may be considered both unsustainable and morally perverse within the legal framework.

10. **Rule 3B (b)** delineates the entitlement of '*minors*' to terminate pregnancies under specific circumstances, aligning coherently with the POCSO Act, wherein minors involved in consensual relationships resulting in pregnancies below 24 weeks retain discretion over disclosing their identities, a discretion shared with their guardians. Simultaneously, the RMP is exempted from disclosing the minor's identity, a measure aimed at safeguarding the minor's Right to Privacy and Reproductive Autonomy, as protected under Article 21 of the Indian Constitution. This strategic maneuver has significantly curtailed the incidence of unsafe abortions performed by unqualified individuals, thereby reducing resultant disabilities and fatalities among women coerced into such perilous procedures due to fears of legal repercussions. The alignment of the provisions of the POCSO Act with the Constitution imposes penalties on any individual, including the minor, who has the knowledge of the offense committed. Nevertheless, judicial scrutiny demands a thorough approach in instances where pregnancies arise from rape or non-consensual relationships with either family members or strangers. This underscores the imperative need for comprehensive sex education in the nation, emphasizing education on reproductive biology, contraceptive methodologies, and the capacity for minors to seek support and guidance from parents or guardians upon discovering instances of pregnancy or sexual assault.

11. **Rule 3B (c)** allows the women to pursue abortions within a 24-week time-frame in cases involving alterations in '*marital status during an ongoing pregnancy*'. As articulated by the Court, Rule 3B (c) is based on the broad recognition of the fact that a change in the marital status of a woman often leads to a change in her material circumstances. This provision was instituted to safeguard women encountering adverse situations—such as widowhood, divorce, or familial abandonment—rendering them incapable of continuing a pregnancy due to consequential financial constraints. Such women may lack the means to provide for and support a child adequately. If the petitioner can substantiate compelling grounds demonstrating how these circumstances could detrimentally affect her mental

and physical well-being, she retains the entitlement to pursue an abortion.

12. **Rule 3B (d)** and **Rule 3B (e)** pertains to women with *physical disabilities* under the **Rights of Persons with Disabilities Act, 2016**⁶, and *mentally incapacitated* women respectively. These individuals might lack the capacity to make informed decisions regarding the potential impact of a pregnancy on their physical and mental well-being. This situation can inadvertently create an environment conducive to men perpetrating sexual assaults without detection, resulting in the delayed discovery of pregnancies, as evidenced in the case of **X v Union of India**⁷, where the guardian of a woman with Down Syndrome only became aware of her pregnancy after 20 weeks, with the father remaining unidentified. Furthermore, **Rule 3B (f)** addresses women with fetuses exhibiting abnormalities, whether physical or mental, posing significant threats to either the mother or the unborn child to terminate the pregnancy.
13. **Rule 3B (g)** parallels (c) in its provision for women experiencing pregnancies within '*humanitarian settings or disaster or emergency situations*', permitting government-sanctioned termination of pregnancies. This allowance extends to women residing in refugee camps, affected by warfare, natural calamities, or man-made crises. Such instances arise due to the mother's incapacity to sustain a child within a harsh environment compounded by the delayed discovery of the pregnancy, exemplified in the **Siddhi Vishwanath Shelar v State of Maharashtra**⁸, wherein the petitioner detected her pregnancy after twenty weeks owing to constraints in accessing medical care during the COVID-19 lockdown. These collective factors can lead a woman to opt for terminating her pregnancy. It is imperative that the government should meticulously assess each circumstance to uphold the constitutional right accorded to women in such situations.
14. The debate surrounding terminating pregnancies remains contentious, straddling the moral spectrum and governmental jurisdiction. In countries like India, alignment with the Constitution is imperative. The Constitution upholds human life and dignity, necessitating the formulation of laws that safeguard these principles without impinging

⁶ Rights of Persons with Disabilities Act, 2016 (49 of 2016)

⁷ X v Union of India 2017 SCC OnLine Bom 9334

⁸ Siddhi Vishwanath Shelar v State of Maharashtra 2020 SCC OnLine Bom 11672

upon individuality and life. Grounded in constitutional tenets, the **Medical Termination of Pregnancy Act** has centered its focus on rights entrenched within Article 14, the Right to Equality, and Article 21, encompassing the Right to Life and Personal Liberty. Within this framework of Articles 14 and 21, the Right to lead a Dignified Life and exercise Reproductive Autonomy falls.

15. The court, in this particular case, underscored the fundamental significance of Reproductive Autonomy and the Right to Dignity as essential rights pertaining to women. Reproductive autonomy encompasses a broad spectrum, encapsulating the Right to Reproduction, Abortion, Sexual health, Contraceptives, Medical assistance, as well as decisions concerning children and family size. The court emphasised that such autonomy inherently negates the requirement for third-party consent in decisions related to abortion or reproduction. This right, articulated within Article 21 of the Constitution following **Justice K. S. Puttaswamy & Anr. vs. Union of India and Ors.**⁹, was granted to pregnant women to safeguard their safety, health, and protection against associated risks and complications. Such assertions were reaffirmed in the **Suchita Srivastava vs. Chandigarh Administration**¹⁰, where the court deemed the right to undergo pregnancy termination as an integral facet of Article 21. In this scenario involving a conflict between the petitioner's autonomy and incapacity, a higher bench of the Court sided with the petitioner, highlighting her 'mild mental retardation' and reiterating her right to reproductive autonomy.

16. Additionally, the Right to Dignity pertains to an individual's self-determination and self-defining attributes inherent in every human being. The ability to make choices independently is an aspect of dignity, wherein individuals are entitled to select or choose their activities. Hence, inhibiting a person from discontinuing an unwanted pregnancy is construed as a direct infringement upon this fundamental right. The significance of dignity was emphasised as an integral component of the Constitution's Basic Structure in the **Kesavananda Bharati v. State of Kerala**¹¹. Moreover, in **Francis Coralie Mullin vs The Administrator, Union**¹², the Court suggested that any action undermining

⁹ Justice K. S. Puttaswamy (Retd.) vs. Union of India (2017) 10 SCC 1

¹⁰ Suchita Srivastava vs. Chandigarh Administration (2009) 9 SCC 1

¹¹ Kesavananda Bharati vs. State of Kerala (1973) 4 SCC 225

¹² Francis Coralie Mullin vs The Administrator, Union 1981 SCR (2) 516

human dignity would constitute a violation of Article 21. The interconnectedness between privacy, dignity, and liberty, as observed in the **Puttaswamy case**¹³, marked a remarkable milestone in judicial history.

17. India, esteemed for its significant contributions to International law across humanitarian, economic, and environmental domains, holds a position of influence with its laws carrying persuasive and unassailable value in the global arena. Through International agreements, countries commit themselves to uphold these laws, thus binding them to compliance. In alignment with these principles, **India's Medical Termination of Pregnancy (MTP) rules** are expected to adhere to International laws and regulations, as articulated within **Article 51 of the Directive Principles of State Policy (DPSP)**, urging citizens to respect international laws. **The Protection of Human Rights Act** safeguards individuals from state-induced rights violations, offering effective recourse. Furthermore, **Article 6 of the International Covenant on Civil and Political Rights** emphasises state's responsibility to ensure access to safe and legal abortion while highlighting the significance of reproductive and sex education to counter the stigmatisation of women seeking an abortion. Articulated within **Article 12 of the International Covenant on Economic, Social, and Cultural Rights**, the recognition of sexual and reproductive health as integral to physical and mental well-being is underscored. Moreover, **Articles 12 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** urge states to implement appropriate measures combatting discrimination against women regardless of their socio-economic or political backgrounds. India, having ratified these laws, is bound to uphold them, contributing to global order and fostering peace.

18. The obligation of the State extends beyond the mere implementation of laws; it encompasses the assurance of their intended efficacy, particularly in a multifaceted nation like India which faces challenges across social, political, and economic domains. To comprehensively address these complexities, the State must engage with grassroots realities, acknowledging the diverse array of issues affecting the country. In India, barriers such as exorbitant costs for abortion in private healthcare facilities and the proliferation of unskilled practitioners in rural areas have contributed to a surge in unsafe

¹³ Justice K. S. Puttaswamy (Retd.) vs. Union of India (2017) 10 SCC 1

pregnancies. Widespread unawareness about state-provided resources and assistance further exacerbates the confusion between legitimate support and fraudulent practices within private sectors. Thus, the government is compelled not only to establish laws but also to enforce them rigorously, as mentioned in Article 38 (*welfare of the people*) and Article 47 (*public health*). For the effective realisation of these rights, the government must take proactive measures, emphasising the paramount importance of comprehensive sex education covering aspects of reproduction, contraception, family planning, and population dynamics. Equally crucial is ensuring the availability of RMPs and adequate medical facilities to provide requisite treatment, thereby preventing arbitrary denial of services based on unjust classifications that impinge upon the right to equality.

CONCLUSION

In the landmark three-bench judgment led by the esteemed Dr. D.Y Chandrachud, alongside the Hon'ble Ms. Kohli and Pamidighantam Sri Narasimha, the Apex Court modified the Delhi High Court's decision, issuing an interim order mandating the petitioner's secure abortion procedure to be carried out by a team of medical professionals at AIIMS, based on written consent from her. The crux of the matter revolved around the interpretation of Rule 3B of the Medical Termination of Pregnancy rules.

The formulation of Rule 3B within the MTP Act stems from an inherent desire to tackle the issue of insufficient access to abortion, particularly for women whose physical and mental welfare is adversely impacted by the constraints imposed by the prior legislation. This provision grants a possibility to prolong the timeframe within which a pregnancy can be terminated beyond twenty weeks, with the explicit objective of recognizing and contemplating the diverse risks that manifest during gestation. These perils encompass alterations in one's environmental circumstances throughout pregnancy, developmental irregularities in the fetus, delayed realization of pregnancy occurring amongst young girls or disabled women, as well as instances where sexual assault or rape may exacerbate both physical and psychological harm.

The right to access safe abortions 'at will' remain aspirational for the majority of pregnant women in India. The Court emphasised the unreasonable nature of such restrictions of excluding unmarried women from accessing pregnancy termination services, urging alignment with contemporary social changes rather than clinging to conventional notions of marriage.

Emphasizing the constitutional rights of reproductive autonomy, dignity, and privacy under Article 21, the Supreme Court affirmed that unmarried women have the right to make independent decisions regarding contraception, pregnancy, and childbearing. This holistic concept includes access to sex education and information on contraception, the right to select the type of contraceptives, and the entitlement to undergo a safe and legal abortion. These rights are to be exercised freely, devoid of any coercion or external interference, thereby granting women the autonomy to make informed decisions about abortion.

