

## HEALTH AND REPRODUCTIVE RIGHT

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### ABSTRACT:-

This paper delves into the right of health and reproduction under Article 21 of the Indian Constitution. The Importance of spreading awareness so that various kind of diseases can be prevented. The state is under the obligation to ensure the people about these rights as in rights specially for women regarding their choices of reproduction. This paper reflects the problems which are caused if these rights are denied and prescribes various policys for self determination.

### INTRODUCTION:-

The right of reproductive health is not merely the absence of infirmity and disease but it deals with the state of complete mental, social and physical well being so that a human body can function properly. This right is the autonomy in decision making, access to services, information and care have been granted by (S R H R) sexual and Reproductive Health. The rights dealing with health and reproduction are universal i.e for all, undeniable i.e cannot be denied to anyone and indivisible. According to (WHO) World Health Organisation it defines reproductive health as a well being in all aspects i.e physical, emotion and behavior. In the year 1994 a program was adopted by merely 180 countries at an International conference on population and Development (ICPD) which defines. Reproductive Health and lay down various standards to enforce these rights.

### REPRODUCTIVE HEALTH INTERVENTION BENEFIT:

These are some many benefits of Reproductive health intervention such as follows:-

1. It decreases the risk of HIV and unwanted pregnancy and improves adolescent reproductive health. It also expands the life options of school going girls.

2. It prevents sexually spreading of HIV and also helps in prevention and management of sexually transmitting infections.
3. It also helps in reduction of death related pregnancy.
4. It ensures awareness and provides access to information about birth control methodology, care of babies before birth, infertility issues.
5. It is important because it makes a woman aware of her right so that she can make her choices as it is implied in the constitution that she has freedom to decide spacing between her child and have access to information, service and education.
6. A women is also given freedom to decide as in choice when to reproduce and when not to and she also the right regarding preference in making family planning.
7. One of the benefits of Reproductive rights is that by using contraception it helps in preventing unplanned pregnancy as it is implied in every person to decide when to reproduce.

The Reproductive Rights are categories in 3 points-

1. Right of Reproductive self determination.
2. Right to have access to information and education regarding reproductive and sexual health.
3. Right to equality and non-discrimination

Firstly it deals with the right of women means women have the right to choose whether to reproduce and to decide whether she wants to terminate the pregnancy or whether to carry it as in to prevent unwanted pregnancy and right to have preferable family planning and secondly to secure a complete knowledge about health as to have access to information so that they be aware of all kind of right and so that the risk can be avoided. Thirdly it is the most important component for the perspective of health and well-being as prime reason for deterioration of health can social discrimination. It is the main barrier in the path of enjoyment of good health and tends to make health ill. It also ensures women should be give care regarding reproductive health irrespective of marital status.

## OBJECTIVE OF REPRODUCTION HEALTH:-

The main purpose underlying the Reproductive helps to spread awareness as it helps in making people aware of sexual and reproductive health and enhances their knowledge. Basically among adolescents about safe sexual practices. As it prevents sexually transmitted infections, including HIV/AIDS. It also helps in the care of safe motherhood so that survival of child becomes higher and STD can be prevented.

## Laws and cases related to Health and reproductive rights-

1. Pundlik Vs Ujwala @Shubhangi Yevatkar it was held that A woman cannot be forced to give birth to a child. Since it's her choice of reproduction which is an indivisible right of her personal liberty under Article 21 of constitution, the Bombay H C.
2. A girl whose age is less than 18 years cannot subject to abortion and to do abortion a consent of guardian is required it also includes lunatic.
3. A personal liberty includes reproductive choice and it is a constitutional right held in puttuswamy Judgement .
4. All the women are entitle to safe and legal abortion in unwanted pregnancy case or if the pregnancy is caused due to failure of any contraception device and its right is available regardless of marital status. It was ruled by the Court under India's Medical Termination of Pregnancies Act, 1971(MTPACT).
5. Minor RTHR MOTHER Vs. State NCT of Delhi- The Delhi high court has issued guidelines to the investigating officer to be followed in rape cases and sexual assault case where victims pregnancy exceeds 24 weeks.

## OBLIGATION OF STATE TO TAKE STEPS:-

States have an obligation to develop laws, and law down standards for practices to reduce unsafe abortion and ensure safe abortion access and post abortion case. It has been indicated by International human rights. This requires that-

1. In case where mother life is threatened the life and health in case of rape or minor pregnancy or incase such as fetal impairment such a down syndrown it should be ensured by the state that if it is beneficial for saving life of mother she can undergo abortion.

2. Availability, accessibility and services regarding abortion shall be provided in rural areas.
3. The practices of illegal abortion are to be done away with so it is very important to review the laws relating to act which criminalize the illegal abortion it can also prevent the female foeticide of girl child and can help in maintaining sex ratio.
4. Data should be prepared by monitoring and evaluation for ensuring and protecting women's reproductive health and public awareness programs must take place from time to time.
5. State under obligation is the care of when reproductive rights are violated the victim should be given access to independent redressal and a quick medical care should be provided. It can also help in accessing Justice by removing legal and practical barrier.

### CONCLUSION:-

The law relative to health and reproductive rights have undergone many changes. Ensuring some rights by the state can help in reducing the problem which would emerge if these rights were denied. International human rights also indicated various efforts which should be followed on a daily basis. It has to keep up with trends in the functions of society to spread awareness among people so that every person must have knowledge about his rights so they can live freely and their social, mental and physical health can function properly.

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