

# NEW ASSISTED REPRODUCTIVE TECHNOLOGY , REPRODUCTIVE RIGHT & FREEDOM OF CHOICE WOMEN :- A SOCIO-LEGAL ENQUIRY<sup>1</sup>

## Abstract

In this examination we will be analysing the new assisted reproductive technologies, reproductive rights as well as freedom that the women are having in relation to the choice in a social legal enquiry form. If we take into consideration then the infertility has been a major issue as well as concerns related to public health in regards to the development of the nation as well as for the developed nations. In some of the societies that are in existence in India infertility has been carrying a social kind of stigma as well as major important key factor in regards to the break down for the families and also the relationship that they are having between them. The revolution that has been created from the side of Assisted Reproductive Technologies (ART) in regards to the treatment of the infertility is on the path of giving hope to those types of couples who are not having children for having children in their life. As we all know children are very important part of every couple life so if anything is giving hope to those couples then that part is most important aspect of that couple's life. In this assignment we will be analysing these technologies and all the aspects that are related to it. I will also mention all the key points of the examination in the conclusion section, so if anybody only refers to only conclusion of the assignment then he or she also get proper knowledge about the topic and don't remains illiterate about the topic.

**Keywords:** New assisted reproductive technologies, freedom of choice, reproductive rights , etc.

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## Introduction

Assisted reproductive technologies (ARTs) can be defined as the all types of treatment that includes all the types of treatments as well as procedures which has an inclusion of the Vitro handling in regards to the both human oocytes as well as sperm or in other words embryos in regards to the purpose to attainment the pregnancy establishment. It has been 35 years when these technologies has been launched, then the use of these kinds technologies has been standard for using in regards to the treatment of infertility. If we talk about the quantity then around 5 million babies has been born with the use of these technologies after establishing the ART.

The quality in regards to the diagnosis has been playing very important role in regards to provide the help to these kinds of couples who are in need of these kinds of technologies. Assisted Reproductive Technologies has an inclusion of procedures in relation to the medical facilities that has been used primarily in regards to the treatment of infertility. These kinds of subjects has an inclusion of some procedures like in the vitro fertilisation, intracytoplasmic injection of the sperm, crypreservation in regards to the gametes or embryos, as well as the medication of the fertility.

Therefore, it has been so important for monitoring, evaluation as well as tracing in regards to the modification of the procedures along the development of the technical in regards to the practices in the field of medicine.



Assisted reproductive technologies has been made so many growth as well as developments from the side of the introduction of the new kinds of technologies that are advanced in features as well as nature. If we talk about some of the things then examples are: preimplantation genetic screening, INVOcell, Egg vitrification, preimplantation genetic diagnosis, time lapse, DNA fragmentation Index, Embryoscope, Endometrial Receptivity Array (ERA).

## **The Reproductive Rights as well as freedom of choice of women**

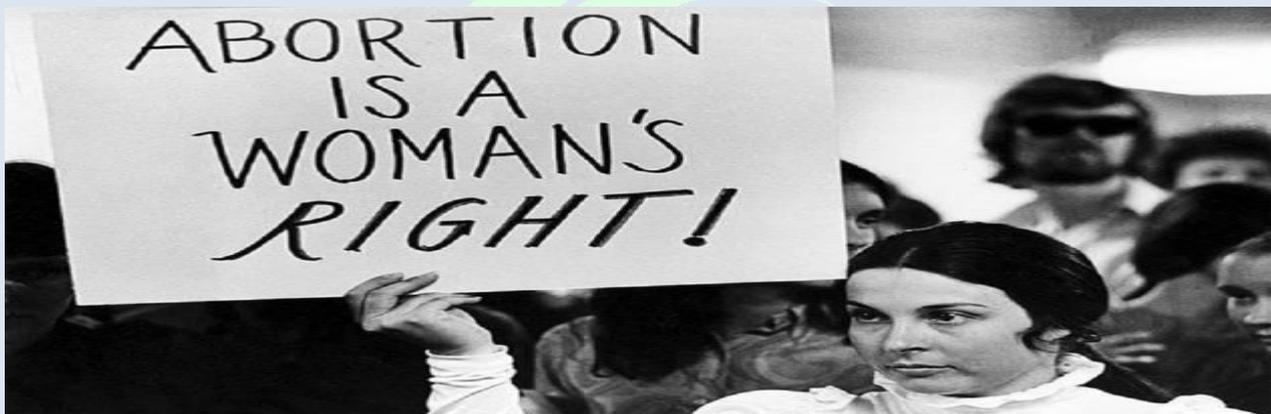
The population of women at global level have a belief that the ability of the women for the accessment of the comprehensive education in regards to the sexuality, having control in regards to her own body, as well as have the access on all the facilities that are in need from their side, their sexuality don't have any interference about this as well as in between this topic, the place she is living it also doesn't matters, the level of income she is earning, as well as her ethnicity, these all things doesn't matters in having the access on the health services of the women. This is considered as their fundamental rights irrespective of all the above criteria's they have the access to the facilities. The term Reproductive rights means that they are having the ability for deciding that at what age as well as they want to or don't want to have children in their life. These two are the most important to the women's well being in regards to the socioeconomic well being as well as overall health. The reproductive rights of women's might be having an inclusion of several or it can also happen that all the rights are having the following inclusion as its aspect. The right in regards to the safe as well as abortion legally. The rights in regards to have control over the birth of the child.



Freedom from the side of the coerced sterilization as well as contraception. At the end they are also having the rights in regards to the access of the healthcare in regards to the reproductive aspects of very good quality. One English case was happened in the year 1965, pertaining of that case the Supreme Court of India has been ruling out these kinds of laws in terms of unconstitutional. Setting of a precedent, the court has been determining that the rights of the citizen fundamentally has been in the existence in the lines of the Constitution of India. The types of laws that has been putting prohibition on the contraceptive choices has been violating these kinds of sacred rights.

## Indian Constitutional Right to Abortion

In earlier times the rights in regards to the Abortion was not given permission from the side of the society has was also getting so much opposition from the side of the society. If anyone has been talking about the termination in regards to the pregnancy then that was in the minds of the society in the form of the murder of the fetus. The reason of the changes in time as well as in technology also, in today's time these kinds of laws as been in the sanctioning from the side of the most of the nations after the decision was passed in the case of Roe Vs Wade from the side of the Supreme Court of United States, and in India these has been passed only under several types of circumstances. In is having the option to be performed till the 20 weeks has been passed in the pregnancy on the platforms on various types of frequencies. In some of the cases that are exceptional the court can also order the termination after 24 weeks has been passed also.



According to the Medical Termination of Pregnancy Act 1971, A women is having the right for the abortion if:

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- The continuation in regards to the pregnancy will be resulting in the inclusion of the risk in regards to the life of pregnant women greater in comparison to the risk of life if the pregnancy has been terminated on various kinds of grounds.
- The termination is being considered as the necessary aspect for the protection of the grave from the affect of the permanent injury in regards to the physical nature as well as health of the women mentally who is pregnant.
- The continuation in the pregnancy is having an inclusion of greater risk on life in comparison to the life if the pregnancy has been terminated in regards to the injury of the pregnant women both physically as well as mentally.

- The continuation in the pregnancy is having an inclusion of the risk on life in comparison to the life if the pregnancy has been terminated in regards to the injury of child who is already in existence in the family of the women who is pregnant in terms of both physically as well as health of the children mentally.
- It is considered that there is an existence of the substantial risk in regards to the term that is the child will be taking birth then he or she might be have to suffer from different kinds of abnormalities both in term of physically as well as mentally. It can also happen that the child who is born might be having seriously handicapped disabilities.
- In the time of the emergency that has been certified from the side of the operating practitioner in terms of the necessary which has been terms as necessary action that has to be taken for the safety of the pregnant women as well as the child who is being developed inside that pregnant women or if the safety is in the list of doubt even 1% then it is allowed to the termination of the pregnancy.



In regards to save the life of the women who is pregnant or also in regards to the prevention of the injury that can occur on the permanent basis in terms of both the physical as well as mental health of the pregnant women. The rights in regards to the safety of abortion has been an necessary for the facet in terms to the right for the bodily integrity, rights in regards to the life as well as needs for the protection of the rights of the women.

## **Critical Analysis of Women's Reproductive & Sexual Rights in India**

The recognition in regards to the sexual as well as rights of the women in terms of reproductive nature in the country still as been remaining negligible in criteria. The rights of the women in regards to the reproduction has been understood by the society of India only in some of the domains that has been so selective in nature and also some types of issues such as marriage of the child, foeticide of the female, selection of the sex as well as health menstrual and also the issues that are in relation to the hygiene.

The has been in the reflection in regards to the manifestos in the elections from the side of the different kinds of the parties that are standing in the election in which these kinds of parties has been promising for making the registration of the marriages as a compulsory aspect, implementation of the laws that are in relation to the prohibition of the marriages of the child, providing of the reproductive technologies, services of the menstrual health to each and every women in the country, performing of the implementation of the marital rape in regards to the legal offence and also the people doing these kinds of activities should be given proper punishment, as well as for making sure that the strict implementation has been performed of the Pre-conception as well as Pre-Natal Diagnostic Techniques which means the prohibition in regards to the selection of the Sex Act.

The Women existing in India has been facing so many challenges on day to day basis. Abortions that are unsafe has been considered as the third major cause of the deaths that happened in Indian domain maternal. The researches that has been done in India has been showing that the around 50% of the pregnancies that is happening in India is not intended from the couple as well as result of the about third result in the abortion. If we consider about the abortion then only approximately 225 of the total abortion that is done in India are done with the help of the public as well as health facilities which is private also. The lacking in the access for the clinics of the abortion that are safe, especially if we talk about the public hospitals, as well as stigma and also the attitude towards the women in the existence in India particularly those who are young, unmarried that has been seeking abortion has been contributing to this. In accordance to the Medical Termination of Pregnancy Act of the year 1971 has been providing for the termination of the pregnancy till only it has passed 20 weeks after that it is not allowed. This types of laws has not been accommodating the concerns that are non-medical on the top of the costs economically in regards to the raising of the child who is born as well as also effects that has been put on the decisions that has been taken in regards to the career or also any other types of considerations that are personal.



Several types of improvements has also been done in the laws, due to the reason when the judiciary performed an involvement in the rescue of the laws. The Supreme Court is also in the list of the highly progressive when it comes to the rights of the women in regards to the reproduction with the help of the decriminalising of the adultery as well as homosexuality in regards to the judgement that has been given in the NavtejJohar case. In that case it was clearly held from the side of the court that each and every single women in having the rights in regards to the sexual autonomy, that is being considered as the necessary facet in regards to the rights of the women for the liberty personally.

The judgement that was given in the case of Puttaswamy has been especially recognising the rights of the women in accordance to the constitution for making the choices of the reproductive in the form of the part under the provision of the Article 21 in accordance to the constitution of India. These kinds of judgements has been very important as well as necessary aspect in regards to the sexual as well as rights of the women that they are having in terms of the reproduction.



Kerala High Court

## **Conclusion**

So with this I conclude my research about the new assisted reproductive technologies, reproductive rights as well as freedom that the women are having in relation to the choice in a social legal enquiry form. In this section I will be mentioning some of the important parts as well key points of the research. Before mentioning about all the important points I contend that all the information that I have mentioned in this research are true as well as real.

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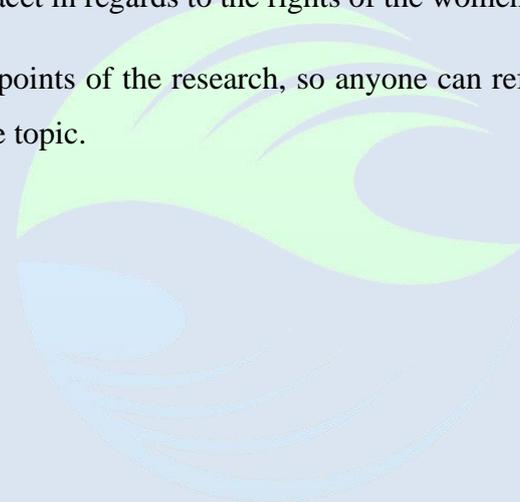
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These were some of the key points of the research, so anyone can refer them also and gain some of the good knowledge about the topic.



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