

Right to Abortion

From Roe v. Wade to Dobbs
v. Jackson and Beyond



Editors

Dr. P. S. Seema
Dr. Anesh V. Pillai



Published by:

Directorate of Public Relations & Publications, Cochin University of Science & Technology

for Justice V.R. Krishna Iyer Chair on Human Rights,
School of Legal Studies, Cochin University of Science & Technology
Kochi-682022, Kerala, India

RIGHT TO ABORTION

From *Roe v. Wade* to *Dobbs v. Jackson* and Beyond

Editors

Dr. P. S. Seema (LLM Gold Medalist)

(Associate Professor, School of Legal Studies, CUSAT)

&

Dr. Aneesh V. Pillai (LLM Gold Medalist)

(Assistant Professor, School of Legal Studies, CUSAT)



Published by:

Directorate of Public Relations & Publications, Cochin University of Science & Technology
for Justice V.R. Krishna Iyer Chair on Human Rights,
School of Legal Studies, Cochin University of Science & Technology
Kochi-682022, Kerala, India



Title: RIGHT TO ABORTION: From Roe v. Wade to Dobbs v. Jackson and Beyond

(Proceedings of the selected papers from the participants of Round Table Conference Revisiting Roe v. Wade (1973) in the context of Dobbs v. Jackson Women's Health Organization (2022) organised by Justice V.R. Krishna Iyer Chair on Human Rights along with the Cochin University Human Rights Association (CUHRA) on 23.07.2022 at School of Legal Studies, Cochin University of Science and Technology, Kerala.

First Published: 2023

Cover Design & Printed at: Screen Image, Kalamassery

ISBN Number: 978-81-961282-6-5

Price: 300/-

Published by:

Directorate of Public Relations & Publications, Cochin University of Science & Technology

for Justice V.R. Krishna Iyer Chair on Human Rights,

School of Legal Studies, Cochin University of Science & Technology

Kochi-682022, Kerala, India.

Disclaimer

The view expressed by the authors is their own. Responsibility for plagiarism if any, rests with the individual authors concerned. The editorial board and publishers will not be responsible for the same.

CONTENTS

1. ***Dobbs v. Jackson* (2022) – A Critique from the Indian Perspective** 1 - 12
V. R. Jayadevan
2. **Rights of Unborn *vis-à-vis* Abortion Rights of Women: A Jurisprudential Dilemma** 13 - 32
Kaumudhi Challa & Archana Gharote
3. ***Dobbs* Decision and the International Human Rights Law with Special Focus on CEDAW** 33 - 40
Bindumol V. C.
4. **The Persistence of Restrictive Abortion Laws: An Analysis of *Dobbs v. Jackson* and Its Impact on Reproductive Freedom** 41 - 58
T. Balaji
5. **A Socio-legal Perspective of Right to Abortion in India: Issues and Challenges**..... 59 - 70
Foram A. Pandya & Bhavesh H. Bharad
6. **Politics of the Abortion Narrative: An Appraisal** 71 - 82
Veena Roshan Jose, Shivender Rahul & Ms. Divyanshi Shrivastava
7. **Legal Pathway in Justifying the Womanhood: Right to Abortion** 83 - 92
Aarti Vyas Bhatt & Bhavesh H. Bharad
8. **In a Jurisprudence of Doubt: The Rise and Fall of the 'Right to Abortion' under the U.S. Constitution** 93 - 102
Sarath Mohan
9. **Laws Related to Right to Abortion in India: Comparative Study with USA** 103 - 114
Anu B.
10. **Abortion - An International Human Rights Discourse** 115 - 124
Sherin K. Nazar & Gisa Sara Joy
11. **Post *Dobbs* Decision Scenario: Critique of the Laws in the United States on Abortion** 125 - 136
Sreewin K. V.
12. **Abortion: Ethical Question or a Purely Legal Endowment of Womanhood** 137 - 146
Sharad Sharma & Ritika Sharma
13. **Changing Paradigm in Political and Judicial Reasoning on Right to Abortion in U.S.: The Past and the Present Perspectives** 147 - 156
Devika T.S. & Rakesh P.S.
14. **The Propriety of Overruling *Roe v Wade*: Some Reflections** 157 - 168
Christopher Thomas
15. **'Compelling State Interest' in Abortion Regulation** 169-176
Tania Das K. & Dr. Aneesh V. Pillai

LEGAL PATHWAY IN JUSTIFYING THE WOMANHOOD: RIGHT TO ABORTION

Dr. Aarti Vyas Bhatt* & Dr. Bhavesh H. Bharad*

Introduction

The ambit of human rights has been envisaged upon diversifying areas. Human rights are really about recognising the essence of being human, not about compounding privilege fulfilment. Almost every nation has embraced the Universal Declaration of Human Rights, which was first adopted in 1948, and has committed to ensuring its full implementation for all of its citizens. The fundamentals of human rights are the same for all men, but when applied from a gender viewpoint, they take on a special form. Human rights in context with women and girls include safety from violence, economic prosperity, political involvement, and good health. In order to realise human rights, peace and security, and sustainable development, women and girls must have the right to fully and equally enjoy all of their human rights and be free from all forms of discrimination.¹

Reproduction rights are included within this general category of women's rights. The right of personal autonomy includes both the ability to the freedom to conceive child and right of abortion also. Across the world there are many legislations governing this right since from the ages, although the growing needs of societal dimensions have changed the perspective of judiciary also in justifying this right of personal autonomy in the complete favour of women's own choice to decide upon. In other words, it may be claimed that the right to an abortion, along with clarification of the women's consent and amendments to existing laws in its interest, has legitimately opened up new avenues for the preservation of womanhood. This chapter broadly encompasses and discuss all the socio legal aspects from international and national regime in declaring the right to abortion as an integrated part of womanhood only.

* Faculty, Centre of Excellence, University School of Law, Gujarat University, Ahmadabad

** Assistant Professor, University School of Law, Gujarat University, Ahmadabad

¹ UN Women, 'Human Rights of Women' (The Beijing Platform for Action Turns 20) <<https://libguides.swansea.ac.uk/oscola/websites#:~:text=If%20there%20is%20no%20named,the%20title%20of%20the%20webpage.>> accessed on 10 December, 2022.



Published by

Directorate of Public Relations & Publications, Cochin University of Science & Technology

*for Justice V.R. Krishna Iyer Chair on Human Rights,
School of Legal Studies, Cochin University of Science & Technology
Kochi-682022, Kerala, India*



9 788196 128265