

# The Leaked Draft of the U.S. Court's Decision on Abortion Law

## What is the issue?

The draft of the US Supreme Court's decision to overturn Roe v. Wade, 1973 case judgment that made abortion a constitutional right has spurred an issue.

## What is Roe v. Wade case (1973) about?

*Statistics speak of about 6,30,000 reported abortions in the United States in 2019, down 18% from 2010.*

- The judgement struck down laws that made abortion illegal in several states, and ruled that abortion would be allowed up to the point of foetal viability (the time after which a foetus can survive outside the womb).
- An average pregnancy lasts about 40 weeks and the foetal viability was around 28 weeks (7 months) at the time of the Roe judgment.
- Experts now agree that advances in medicine have brought the threshold down to 23 or 24 weeks (6 months or a little less), and newer studies show this could be further pegged at 22 weeks.
- **Support for abortion-** Foetal viability is often seen as the point at which the rights of the woman can be separated from the rights of the unborn foetus.
- Since many people identify pregnancy only after the sixth week, pre-viability timelines leave women with very little time and opportunity to make a decision to abort.
- **Arguments against abortion-** Those opposing abortions argue that this is an arbitrary timeframe that legislation and the court in Roe adopted.

## What is the Mississippi law?

- **The Mississippi ban-** In 2018, the state of Mississippi banned most abortions after 15 weeks much before foetal viability directly challenging the 1973 judgment.
- Later it was struck down on the grounds that it unequivocally violates the constitutional rights of women.
- **The heartbeat abortion law-** In 2019, then Republican Governor Phil Bryant signed the heartbeat abortion law that banned abortions once foetal cardiac activity is detected which is about six weeks.
- The law said that physicians who performed an abortion after a foetal heartbeat was detected could have their medical licences revoked.
- It also made no exceptions for pregnancies caused by rape or incest.
- The 2018 law reached the Supreme Court and a decision in the matter was expected in June or July 2022.

## Why is the decision of the Supreme Court important?

- **Difference of opinion**- The issue of abortion has sharply split opinion among conservatives and liberals in the US for decades.
- The clear conservative majority in the Supreme Court has given the conservatives their best chance for decades to overturn Roe.
- **Applicability in States**- If the court strikes down the Roe v Wade ruling, individual states would be allowed to ban abortion if they wish.
- It is expected abortion could then be banned in almost half of US states.
- **Impact on poor women**- The availability of clinics, insurance payouts, are crucial issues that form part of the struggle of many women even with the backing of Roe.
- Limiting abortion access will most intensely affect poor women.
- **Concern over LGBTQ+ rights**- The Supreme Court established the right of same-sex couples to marry in the 2015 *Obergefell v. Hodges* decision.
- The leaked draft has raised fears that other landmark civil rights cases could also face legal challenges in the Supreme Court.

## What about the abortion law in India?

- India's Medical Termination of Pregnancy Act, 1971 allows abortion until 20 weeks of pregnancy.
- The [2021 amendment](#) raised the ceiling for abortions to 24 weeks only for special categories of pregnant women such as rape or incest survivors with the approval of two registered doctors.
- In case of foetal disability, there is no limit to the timeline for abortion, but that is allowed by a medical board of specialist doctors set up by the governments of states and union territories.

*In approximately 16 countries around the world, abortion is entirely prohibited and even criminalised.*

### References

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