



The Contradiction in Disability Law: Selective Abortions and Rights

Smitha Nizar

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This book is an attempt to explicate the unproblematic perception towards disability selective abortions. It attempts to demonstrate the wrongness of selective abortions, but without entering the realm of a woman's right to take decisions about her body. It analyses the legitimacy of automatic decision taken to abort the foetus, once diagnosed with disability. Whilst the Indian legislation on prenatal tests, the Prenatal Diagnostic Techniques Act, 1994 prohibits the use of prenatal tests for sex-selection, it permits the use of very same tests to select out foetus with disabilities. Moreover, the Medical Termination of Pregnancy Act, 1971 permits termination of such lives. Thus, disability selection entails eliminating life with disabilities.

Does this legal position of disability selective abortion import that persons with disabilities still do not deserve to be born as their lives are not worth living? Does disability selective abortion in some manner negate the rights of persons with disabilities? Can this technology be carried forward without breaching disability rights? The existing literature makes a case that, even though sex or other selective abortions are not promoted, yet as part of technological growth, disability selective abortions are unproblematically permitted. Prenatal tests and disability selective abortion, disguised as a sophisticated manner of preventing the existence of human life, completely contradicts their rights, dignity, and equal value as human beings. This paradox needs to be studied, and this book attempts to fill this knowledge vacuum by analysing the legitimacy of disability selective abortion, and within the premise of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

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