

# Seeking a more progressive Abortion Law

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## **The MTP Bill does not do enough to secure women's choices and interests**

Recent reports have shown that more than 10 women die everyday due to unsafe abortions in India, and backward abortion laws only contribute to women seeking illegal and unsafe options. The Cabinet has recently approved the Medical Termination of Pregnancy Bill (MTP Bill, 2020) which will soon be tabled in the parliament. It seeks to amend the Medical Termination of Pregnancy Act, 1971 and follows the MTP Bills of 2014, 2017 and 2018 all of which lapsed in the Parliament.

### **What is MTP Act?**

The MTP act divides its regulatory framework for allowing abortions into categories, according to the gestational age of the foetus:

- For the fetuses which are aged upto 12 weeks, only one medical practitioner's opinion is required to the effect that its continuance of the pregnancy would pose risk to the life of mother or cause grave injury to her physical or mental health.
- If the foetus is aged between 12-20 weeks, atleast two medical practitioners' opinions confirming the risk conditions are required.
- It also specifies that 'grave injury' may be explained

as the anguish caused by a pregnancy arising out of rape or the anguish caused by the unwanted pregnancy arising out of failure of a contraceptive used by a married woman or her husband.

- Beyond 20 weeks, termination may be carried out where it is necessary to save the life of pregnant women.

## Issues with the current Law

Several issues arise from the current framework under the MTP Act:

- At all stages of pregnancy, the healthcare providers rather than the women seeking abortion, have the final say on whether the abortion can be carried out or not.
- The Act embodies a clear prejudice against unmarried women. As per the act, where a pregnancy occurs due to failure of any birth control measure, the anguish caused is presumed to constitute a 'grave injury' to the mental health of the pregnant women. There is always the danger of a more restrictive interpretation, especially when the final decision rests with the doctor and not the women herself.
- Due to advancements in science, foetal abnormalities can now be detected even after 20 weeks. However, the MTP Act presently allows abortion post 20 weeks only when it is necessary to save the life of the mother. This means that even if a substantial foetal abnormality is detected and the mother doesn't want to bear life-long care-giving responsibilities and the mental agony associated with it, the law gives her no recourse unless there is a prospect of her death.

While the MTP Bill is a step in the right direction, it still fails to address most of the problems with the MTP Act. First, it does not allow abortion on request at any point after pregnancy. Second, it does not take a step forward removing the prejudice against unmarried women by amending the relevant provision. And finally, it enhances the gestational limit for legal abortion beyond 20 weeks, even if she suffers from grave physical or mental injury due to pregnancy.

The Supreme Court has recognized women's right to make reproductive choices and their decision to abort as a dimension of their personal liberty. Yet, current abortion laws fail to allow the exercise of this right. While it is hoped that MTP Bill, 2020 will not lapse in Parliament like its predecessors, it is evident that it does not do enough to secure women's interests and there is still a long road ahead for progressive abortion laws.

**SOURCE:** *The Hindu*