

3. Seeking a more Progressive Abortion Law

Prelims Level: Polity and Governance – Rights Issues

Mains Level: GS-II Welfare schemes for vulnerable sections of the population by the Centre and States and the Performance of these Schemes.

Why in News?

- Recently the Union Cabinet has approved the **Medical Termination of Pregnancy Amendment Bill 2020**. This article flags some of the major concerns accorded with the Bill.

Background Information:

Salient features of Proposed Amendments:

1. Increased gestation period for Termination of Pregnancy:

- ✓ The upper gestation limit has been increase from 20 to 24 weeks for special categories of women including survivors of rape, victims of incest and other vulnerable women (like differently-abled women, Minors) etc.

2. For Other Women :

- ✓ For termination of pregnancy up to 20 weeks: Opinion of 1 doctor is required
- ✓ For termination of pregnancy up to 20 weeks – 24 weeks: Opinion of 2 doctors is Required.

- ##### **3. No limit for Foetal Abnormalities:**
- In case of detection of foetal abnormalities, upper gestation limit does not to apply. However this should be declared by a Medical Board constituted for the purpose.

Concerns with the Above Amendments:

No Autonomy for the Women:

- Under the MTP Act, the final say on abortion is taken by the healthcare providers and not the women. This is unlike the abortion laws in 67 countries, including Iceland, France, Canada, South Africa and Uruguay, where a woman can **get an abortion ‘on request’**.
- This may put additional mental stress as well as the financial burden on the women for getting a doctor’s approval.

Biased against Unmarried Women:

- According to the Act, where a pregnancy occurs due to failure of any birth control device or method used by any “married woman or her husband”, it may cause “grave injury” to the mental health of the pregnant woman and the woman may opt for termination.

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- This is not extended to unmarried women where the final decision rests with the doctor and not the woman herself.

Narrowed Choice in case of Foetal Abnormalities:

- In case of foetal abnormalities the law allows termination in cases post 20 weeks only where it is necessary to save the life of the mother.
- The unwanted pregnancy may also lead to mental agony and termination is not allowed for such reasons in case of foetal abnormalities post 20 weeks.
- Further the decision for termination in case of foetal abnormalities lies with the Medical Board. This may cause unnecessary delays which only increase the risks associated with a late abortion.

