Issues with Indian Abortion Law

What is the issue?

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India’s abortion law must be amended to take into account the agency of women.

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What is the need?

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- Many women, when denied legal abortions, turn to unqualified providers or adopt unsafe methods of termination.
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- Various estimates indicate that unsafe abortions account for 8% of maternal deaths in India.
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- 15.6 million abortions took place in India in 2015 out of which about 11.5 million took place outside health facilities.
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What is the Abortion law of India?

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- Abortion has been legal in India under the Medical Termination of Pregnancy (MTP) Act, since 1971.
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- According to the Act, abortion can be provided at the discretion of a medical provider under certain conditions.
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- Currently, the Act allows abortion up to 20 weeks.
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- When the Act was introduced, policymakers had two goals
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1. To control the population resulting from unintended pregnancies (which even today are to the tune of 48%)
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2. To reduce the increasing maternal mortality and morbidity due to illegal, unsafe abortions
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What are the concerns?

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- The Medical Termination of Pregnancy Act has limitations that pose barriers to women and girls seeking legal abortions.
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- A woman's right to decide for herself, did not and still does not fall within the intent or ambit of the MTP Act.
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- When it comes to foetal abnormalities and pregnancies resulting from rape, this limit of 20 weeks is proving to be a hurdle for both the woman and the provider.
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- Women seeking an abortion after the legal gestation limit often have no option but to appeal to the courts for permission to terminate the pregnancy.
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What are the pending measures in this regard?

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- In 2014, the Ministry of Health and Family Welfare recognised these barriers and proposed certain amendments to the Act.
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- Consequently, the MTP (Amendment) Bill, 2014, was submitted, proposing some changes.
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- They include -
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i. increasing the gestation limit from 20 to 24 weeks for rape survivors and

other vulnerable women
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ii. removing the gestation limit in case of foetal abnormalities
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- In 2017, these amendments were returned to the ministry with the mandate to strengthen the implementation of the MTP Act as it stands.
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- The amendments are yet to be revised and returned to the PMO.
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Source: Indian Express

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