Medical Termination of Pregnancy Act

Why in news?

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The Supreme Court recently **declined a woman's plea** to abort her 26-week-old foetus detected with Down's Syndrome.

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What was the court's rationale?

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- It was contended that the congenital abnormality found in the woman's foetus and the woman's anguish about the future were the reasons for her decision of abortion.
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- It was also argued that it was the **woman's constitutional right** to terminate her pregnancy.
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- The court refused permission by **calling the foetus 'a life'.**
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- It cited that the Medical Termination of Pregnancy Act of 1971 places a 20-week ceiling on termination of pregnancy.
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What is MTP Act, 1971?

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- Abortion in India is **legal only up to twenty weeks of pregnancy** under specific conditions and situations.
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- One, the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury of physical or mental health, or
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- Two, there is a substantial risk that if the child were born, it would suffer

from such physical or mental abnormalities as to be seriously handicapped.
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Was the law challenged on any other occasion?

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- On 2015, a 14-year-old rape victim sought and received permission from the Supreme Court to abort after the 20 weeks deadline had passed.
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- Her petition was treated as a “special case”, meaning it could not be used as a precedent to grant permission in another case.
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- On January 2017, the Judges had relaxed the 20-week cap to permit another woman to terminate her 24-week pregnancy.
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- Then, the foetus in that case was diagnosed with anencephaly — a congenital defect in which the baby is born without parts of the brain and skull.
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- The court had said that the abortion **was necessary to preserve the woman’s life.**
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- In the case of the foetus with Down’s Syndrome, the court said the foetus posed no danger to the woman’s life.
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What the draft MPT bill 2014 provides?

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- The draft MTP increased the legal limit for abortion from 20 weeks to 24 weeks.
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- It provides for **abortion beyond 24 weeks** under defined conditions.
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- The Bill amends Section 3 of the 1971 Act to provide that “the length of pregnancy shall not apply” in a decision to abort a foetus diagnosed with “substantial foetal abnormalities” or if it is “alleged by the pregnant

woman to have been caused by rape”.
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- Under the 1971 Act, even pregnant rape victims cannot abort after 20 weeks, compelling them to move court.
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- It allows a **woman to take an independent decision** in consultation with a registered health-care provider.
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- It also takes into account the reality of a massive shortage of both doctors and trained midwives, and seeks to allow Ayurveda, Unani and Siddha practitioners to carry out abortions.
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Why is it essential to change the MTP law?

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- **Foetal abnormalities show up only by 18 weeks,** so just a two-week window after that is too small for the would-be parents to take the difficult call on whether to keep their baby.
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- Even for the medical practitioner, this window is too small to exhaust all possible options before advising the patient.
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- There is an urgent need to empower women with sexual rights, legal protrction against sex crimes and sex choices both in their own interest and for the sake of reducing the fertility rate as a whole.
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- The lack of legal approval moves abortion to underground and they are done in unhygienic conditions by untrained, thus, putting thousands of women at risk.
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Source: The Hindu & The Indian Express

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