

THE AMENDMENT TO THE ABORTION LAW IS WELCOME

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

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The Cabinet has approved raising the permissible limit for abortion from 20 weeks into a pregnancy to 24 weeks, in an amendment to the Medical Termination of Pregnancy (MTP) (Amendment) Bill 2020. This is welcome. The earlier MTP Act allowed for abortion only up to 20 weeks, provided two doctors concurred. Beyond this, only a possible threat to the mother's life or severe foetal abnormalities could be the basis for extending the period for abortion, but only with the court's permission. Given the delays in the judicial system, the 20-week mark often passed, leaving many, including rape survivors, with unwanted pregnancies. This move gives the woman great autonomy over her body.

The issue of abortion has been a tricky one in India due to the confusion between legal abortion and the sex selection law. Many doctors refuse to perform legitimate abortions fearing criminal charges under the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994. While the new amendment is welcome, more needs to be done. One, though a minor under the current law can get an abortion, subject to the consent of her guardian, under the Protection of Children from Sexual Offences Act, sex with a minor is actionable and the doctor concerned is bound to report it, despite the confidentiality clause in the MTP Act. This means many teenagers may turn to quacks rather than qualified doctors for fear of the police or their families getting to know of the pregnancy. Two, the current provision of allowing contraceptive failure as a basis for seeking an abortion should be extended from married women to all women. It is time to have a wider discussion on the subject.

END

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