

A DELIVERANCE: THE HINDU EDITORIAL ON PREGNANCY TERMINATION BILL

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

The borders of viability of a particular process are often only as restrictive as the technology on which it rides. In some cases, as science advances, the elastic borders of viability will weave out to accommodate much more than they did in the past. The [Centre's move to extend the limit of medical termination of pregnancy](#) to 24 weeks is a sagacious recognition of this, and needs to be feted. The extension is significant, the government reasoned, because in the first five months of pregnancy, some women realise the need for an abortion very late. Usually, the foetal anomaly scan is done during the 20th-21st week of pregnancy. If there is a delay in doing this scan, and it reveals a lethal anomaly in the foetus, 20 weeks is limiting. Obstetricians argue that this has also spurred a cottage industry of places providing unsafe abortion services, even leading, in the worst of cases, to the death of the mother. When women take the legal route to get formal permission for termination after 20 weeks, the tedium is often frustrating and stressful for a mother already distressed by the bad news regarding her baby. The extension of limit would ease the process for these women, allowing the mainstream system itself to take care of them, delivering quality medical attention.

The question of abortion needs to be decided on the basis of human rights, the principles of solid science, and in step with advancements in technology. A key aspect of the legality governing abortions has always been the 'viability' of the foetus. This indicates, in human gestation, the period from which a foetus is capable of living outside the womb. As technology improves, with infrastructure upgradation, and with skilful professionals driving medical care, this 'viability' naturally improves. In the landmark U.S. Supreme Court judgment in *Roe v. Wade*, the judges held that the U.S. Constitution protects a woman's right to terminate her pregnancy and defined viability as potentially the ability to live outside the mother's womb, albeit with artificial aid. "Viability is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks." Ultimately, nations will have to decide the outer limit also based on the capacity of their health systems to deliver care without danger to the life of the mother; there is no uniform gestational viability for abortion. Even as the government has struck a winner with its decision, it needs to ensure that all norms and standardised protocols in clinical practice to facilitate abortions are followed in health care institutions across the country. Since everything rests on the delivery, stopping short would undoubtedly make this progressive order a mere half measure.

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