

We need a revised legislation on abortion

Does the termination of an unwanted pregnancy within medically permissible limits amount to murder? The Supreme Court seems to think so in the case of a woman who approached the court in the 21st week of her pregnancy. The woman, a victim of domestic violence, sought the termination as she wanted a divorce and the option of pursuing a career. The court, going strictly by the Medical Terminations of Pregnancy (MTP) Act which stipulates that the threshold for termination as 20 weeks, rejected the plea. Beyond 20 weeks, the pregnancy can be terminated only if there is a serious danger to the mother's life or the likelihood of physical or mental abnormalities to the child.

The petitioner in this case asserted that the current law violates her right to health and dignity if she had to continue with her pregnancy. MTP rules have led to many women seeking back alley abortions at considerable risk -- illegal abortions are the third leading cause of maternal death in India. MTP could do with a lot of fine-tuning to make it more accessible and safe for women. As it stands, after 20 weeks, the woman has to seek legal help to terminate her pregnancy. This was why a 10-year-old rape victim was forced to carry through with her pregnancy

. The judicial process is so slow that the pregnancy often crosses the legal limit. The medical interpretation of the law also suggests that the woman has no right to her sexuality or reproductive rights. The Medical Termination of Pregnancy Bill 2014 would have addressed some of these concerns but it is nowhere close to being enacted. The permissible limit for abortion would have been increased to 24 weeks had it been passed, even more if the unborn child had serious abnormalities. The word married was to be taken out and any woman could opt for an abortion for reasons she could chose not to disclose. The PMO, however, sent this bill to the ministry of health and family welfare asking it to strengthen the existing law instead. The bill is now back with the PMO.

One fear that the government seems to have is that the new legislation would encourage sex determination through selective abortion. But this is covered adequately under the Pre-Conception and Pre-Natal Diagnostic Techniques Act and two should not be confused. Given that a choice of contraceptives is not always available and many women still do not have control over their bodies, a revised MTP legislation would be really empowering. And it would also prevent many senseless deaths through illegal abortions.

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