

THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) BILL, 2020

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

- The Medical Termination of Pregnancy (Amendment) Bill, 2020 was introduced in Lok Sabha by the Minister of Health and Family Welfare, Dr. Harsh Vardhan on March 2, 2020. The Bill amends the Medical Termination of Pregnancy Act, 1971 which provides for the termination of certain pregnancies by registered medical practitioners. The Bill adds the definition of termination of pregnancy to mean a procedure undertaken to terminate a pregnancy by using medical or surgical methods.
- **Termination of pregnancy:** Under the Act, a pregnancy may be terminated within 12 weeks, if a registered medical practitioner is of the opinion that: (i) continuation of the pregnancy may risk the life of the mother, or cause grave injury to her health, or (ii) there is a substantial risk that the child, if born, would suffer physical or mental abnormalities. For termination of a pregnancy between 12 to 20 weeks, two medical practitioners are required to give their opinion.
- The Bill amends this provision to state that a pregnancy may be terminated within 20 weeks, with the opinion of a registered medical practitioner. Approval of two registered medical practitioners will be required for termination of pregnancies between 20 to 24 weeks. The termination of pregnancies up to 24 weeks will only apply to specific categories of women, as may be prescribed by the central government. Further, the central government will notify the norms for the medical practitioner whose opinion is required for termination of the pregnancy.
- Under the Act, if any pregnancy occurs as a result of failure of any device or method used by a married woman or her husband to limit the number of children, such an unwanted pregnancy may constitute a grave injury to the mental health of the pregnant woman. The Bill amends this provision to replace 'married woman or her husband' with 'woman or her partner'.
- **Constitution of a Medical Board:** The Bill states that the upper limit of termination of pregnancy will not apply in cases where such termination is necessary due to the diagnosis of substantial foetal abnormalities. These abnormalities will be diagnosed by a Medical Board. Under the Bill, every state government is required to constitute a Medical Board. These Medical Boards will consist of the following members: (i) a gynaecologist, (ii) a paediatrician, (iii) a radiologist or sonologist, and (iv) any other number of members, as may be notified by the state government. Note that, the central government will notify the powers and functions of these Medical Boards.
- **Protection of privacy of a woman:** The Bill states that no registered medical practitioner will be allowed to reveal the name and other particulars of a woman whose pregnancy has been terminated, except to a person authorised by any law. Anyone who contravenes this provision, will be punishable with imprisonment of up

to one year, or with a fine, or both.

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