

DOCTORS NEED NOT REPORT IDENTITY OF MINORS SEEKING ABORTION, SAYS SC

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

Registered medical doctors are exempt from disclosing to the police the identity of minors who have come in for abortion, the Supreme Court directed in a judgment on Wednesday.

A registered medical practitioner (RMP) is obliged under Section 19(1) of the POCSO Act to report to the police when a minor approaches him or her for an abortion. A Bench led by Justice D.Y. Chandrachud said in many cases minors and their guardians opt to go to an unqualified doctor for abortion rather than risk being involved in criminal proceedings following a report under Section 19(1) of the POCSO Act. "If there is an insistence on the disclosure of the name of the minor in the report under Section 19(1) of POCSO, minors may be less likely to seek out RMPs for safe termination of their pregnancies under the Medical Termination of Pregnancy (MTP) Act," Justice Chandrachud said.

Reporting of offence

The court said it was necessary to harmonise the provisions of the MTP and POCSO laws to enable minors to approach an RMP for abortion without the fear of getting exposed. It would also protect the statutory obligation of the RMP to report the offence under the POCSO Act and the rights of privacy and reproductive autonomy of the minor under Article 21 of the Constitution.

"For the limited purposes of providing medical termination of pregnancy in terms of the MTP Act, we clarify that the RMP, only on request of the minor and the guardian of the minor, need not disclose the identity and other personal details of the minor in the information provided under Section 19(1) of the POCSO Act," the court ordered.

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