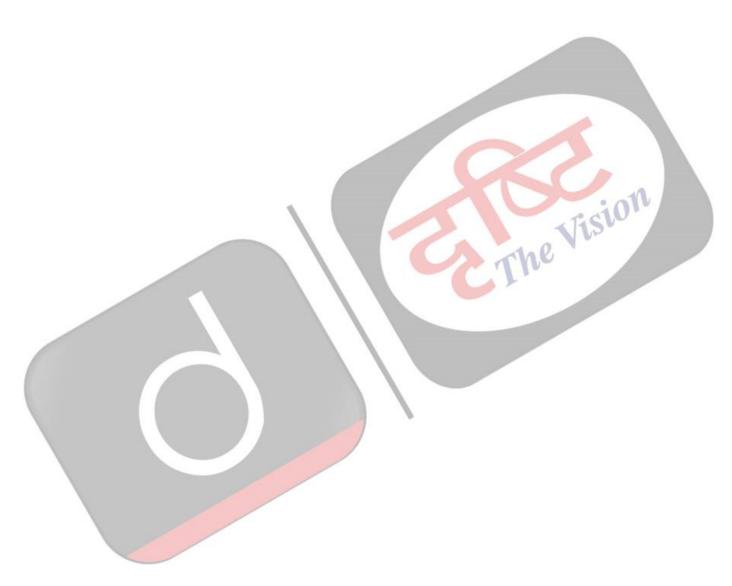


Abortion Law

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ABORTION LAW

Abortion is the deliberate termination of a pregnancy, typically performed during the first 28 weeks of gestation.

Abortion Law in India

Indian Penal Code (IPC), 1860

(Section 312)

- () Criminalized: Voluntarily abortion
- (5) Exception: To save mother's life
- (9) Punishment: Imprisonment or fines or both

The Medical Termination of Pregnancy Act (MTP), 1971

- (5) **Based on:** Shantilal Shah Committee, 1964
- (5) Ground for Legalised Abortion:
 - Marital rape
 - Safeguarding women's physical
 & mental health
 - Reduce maternal mortality
 - Children with physical or mental abnormalities
 - Pregnancies from rape or contraceptive failure

The MTP Amendment Act, 2021

- Allowed abortion irrespective of marital status
- (5) Eligiblity Criteria for Legal Abortion:
 - Survivors of sexual assault, rape, incest or minors
 - Change of marital status during pregnancy (widowhood & divorce)
 - Women with physical or mental disabilities (as per Rights of Persons with Disabilities Act, 2016)
 - () Foetal malformation or risk abnormalities in child
 - () Pregnant women in disasters/ emergencies

Justice K.S. Puttaswamy (Retd.) vs. the Union of India Case, 2017

The Supreme Court recognized reproductive choices of women as part of personal liberty under Article 21.

	Time Since Conception	MTP Act, 1971	MTP (Amendment) Act, 2021
	Up to 12 weeks	On the advice of one doctor	On advice of one doctor
	12 to 20 weeks	On advice of two doctors	On advice of one doctor
	20 to 24 weeks	Not allowed	On advice of two doctors for special categories of pregnant women
	More than 24 weeks	Not allowed	On advice of medical board in case of substantial fetal abnormality
	Any time during the pregnancy	On advice of one doctor, <mark>if</mark> immediately necessary to save pregnant woman's life	On advice of one doctor, if immediately necessary to save pregnant woman's life
Abortion in Other Countries			
 Countries Criminalized Abortion Total Ban: Andorra, Malta & the Vatican State New Zealand: 			
 Ban with Certain Exceptions: Poland, Brazil, Chile and Argentina Within 20 weeks of pregnar 			Condition: ④ Within 20 weeks of pregnancy (if life at risk)

- Approval of two doctors mandatory
- France is only country to guarantee voluntarily abortion as constitutional right

Countries Legalized Abortion

Drishti IAS

Read More: Abortion Law, Journey of Abortion Law in India, Abortion Law in India, Article 21, The Medical Termination of Pregnancy Amendment Act. 2021

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