



Mains Practice Question

Q. Medical Termination of Pregnancy (Amendment) Bill, 2020 strives to provide reproductive rights to women in India. Critically examine. (250 words)

25 Feb, 2020 GS Paper 2 Social Justice

Approach:

- Introduction - Why in news, e.g. Bill has been introduced to replace 1971 Act.
- Brief introduction of Medical Termination of Pregnancy Act, 1971 and issues with the Act.
- Describe the changes introduced by the Medical Termination of Pregnancy (Amendment) Bill, 2020.
- Explain how they provide reproductive rights to women.
- Explain the issues with the Bill.
- Conclusion.

Introduction

- The Union Cabinet has approved the Medical Termination of Pregnancy (Amendment) Bill, 2020 to amend the Medical Termination of Pregnancy Act, 1971 which regulates the abortion procedure in India. Medical Termination of Pregnancy Act, 1971 allowed abortions if the pregnancy is under 20 weeks, with the following conditions:
 - If the pregnancy would be harmful to the life of the woman or physical or mental health.
 - If there is a good chance that the child would suffer from physical or mental abnormalities
 - If pregnancy occurred as a result of a failure of contraception (only in case of married women)
 - If pregnancy is a result of sexual assault or rape

Body

Issues with the Current Abortion Laws:

- A 2015 study in the Indian Journal of Medical Ethics said 10-13% of maternal deaths in India are due to unsafe abortions.
- Abortion is not allowed post 20 weeks of pregnancy, which restricts the better detection and hence, abortion of fetuses with abnormalities like Down Syndrome, Congenital malformations or others, can not take place.
- The Act treats pregnancy and abortion as a public health issue, focusing more on its impact on family planning and potential criminal proceedings against medical professionals than women and their right to choose.
- The Act has denied the devolution of abortion rights to unmarried women.

Changes with Medical Termination of Pregnancy (Amendment) Bill, 2020:

- Enhances the upper gestation limit from 20 to 24 weeks for special categories of women.
- Special categories of women include "vulnerable women including survivors of rape, victims of incest" and others like differently-abled women and minors.

- Termination of pregnancy of 20-24 weeks of gestation will require the opinion of two service providers and for termination of pregnancy up to 20 weeks recommendation of 1 service providers is required.
- The upper gestation limit will not apply to cases of substantial fetal abnormalities diagnosed by the Medical Board.
- Name of women undergoing the surgery will not be revealed except to a person authorized by the law.
- For unmarried women, the Bill seeks to relax the contraceptive-failure condition for “any woman or her partner” from the present provision for “only married woman or her husband”, allowing them to medically terminate the pregnancy.

Amendment Provides Reproductive Rights to Women:

- It expands the access of women to safe and legal abortion services on therapeutic, eugenic, humanitarian or social grounds.
- It is a step towards the safety and well-being of the women and many women will be benefited from this.
- The law will help the rape victims, ill and under-age women to terminate the unwanted pregnancy lawfully.
- Significantly, the Bill also applies to unmarried women and therefore, relaxes one of the regressive clauses of the 1971 Act, i.e., single women couldn't cite contraceptive failure as a reason for seeking an abortion.
- Allowing unmarried women to medically terminate pregnancies and a provision to protect the privacy of the person seeking an abortion will bestow reproductive rights to the women.

Issues with the Amendments:

In a patriarchal society like India, the Bill might be misused to abort girl children. There are concerns that a more liberal abortion law can aggravate this state-of-affairs. Also, taking lives has always been a contentious moral issue.

Conclusion

- Though Medical Termination of Pregnancy (Amendment) Bill, 2020 is a step in the right direction, the government needs to ensure that all norms and standardised protocols in clinical practice to facilitate abortions are followed in health care institutions across the country.
- Abortion is a controversial topic in regards to religion, law, politics, etc. A balanced approach should be taken. While abortion is necessary in many cases, but sometimes, it is considered as an alternative to the contraceptives. It should not be seen as a right rather than a necessary evil, as one way or another, a child is dying. So focus must be on preventing unwanted pregnancies by ensuring comprehensive sexual education during childhood and availability of contraceptives.