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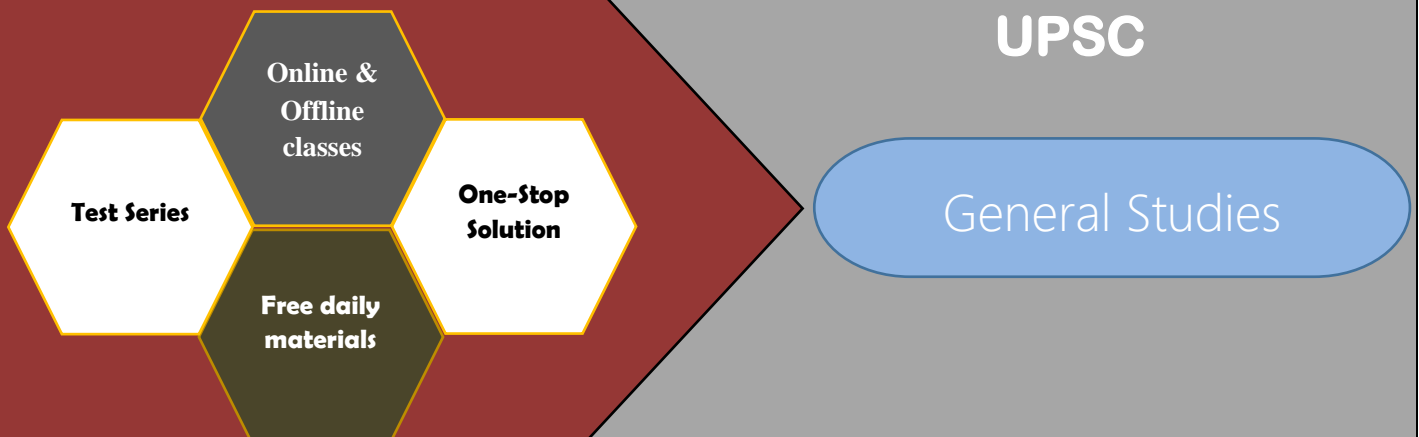
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The Medical Termination of Pregnancy (Amendment) Bill, 2021

Notes for civil services preparation



The Medical Termination of Pregnancy (Amendment) Bill, 2021

- The Rajya Sabha has approved the Medical Termination of Pregnancy (Amendment) Bill, 2021 to amend the Medical Termination of Pregnancy Act, 1971 on 16th March 2021. The Bill was approved in Lok Sabha on 17th March 2020.

Highlights of the Bill

- The Act regulates the conditions under which a pregnancy may be aborted. The Bill increases the time period within which abortion may be carried out.
- Currently, abortion requires the opinion of one doctor if it is done within 12 weeks of conception and two doctors if it is done between 12 and 20 weeks. The Bill allows abortion to be done on the advice of one doctor up to 20 weeks, and two doctors in the case of certain categories of women between 20 and 24 weeks.
- The Bill sets up state level Medical Boards to decide if a pregnancy may be terminated after 24 weeks in cases of substantial foetal abnormalities.

Key Issues and Analysis

- There are differing opinions with regard to allowing abortions. One opinion is that terminating a pregnancy is the choice of the pregnant woman, and a part of her reproductive rights.
- The other is that the state has an obligation to protect life, and hence should provide for the protection of the foetus. Across the world, countries set varying conditions and time limits for allowing abortions, based on foetal health, and risk to the pregnant woman.
- Several Writ Petitions have been filed by women seeking permission to abort pregnancies beyond 20-weeks due to foetal abnormalities or rape. The Bill allows abortion after 24 weeks only in cases where a Medical Board diagnoses substantial foetal abnormality. This implies that for a case requiring abortion due to rape, that exceeds 24-weeks, the only recourse remains through a Writ Petition.

- The Bill does not specify the categories of women who may terminate pregnancies between 20-24 weeks and leaves it to be prescribed through Rules. It may be argued that such matters should be specified by Parliament and not delegated to the government.
- The Act (and the Bill) require abortion to be performed only by doctors with specialization in gynecology or obstetrics. As there is a 75% shortage of such doctors in community health centers in rural areas, pregnant women may continue to find it difficult to access facilities for safe abortions.

Key Features

- The Bill amends the Medical Termination of Pregnancy Act, 1971.
- **Time limit and grounds for terminating a pregnancy:** The Act specifies the grounds for terminating a pregnancy and specifies the time limit for terminating a pregnancy. The Bill amends these provisions.
- **Sources:** The Medical Termination of Pregnancy Act, 1971, The Medical Termination of Pregnancy (Amendment) Bill, 2020;
- **Termination due to failure of contraceptive method or device:** Under the Act a pregnancy may be terminated up to 20 weeks by a married woman in the case of failure of contraceptive method or device. The Bill allows unmarried women to also terminate a pregnancy for this reason.
- **Medical Boards:** All state and union territory governments will constitute a Medical Board. The Board will decide if a pregnancy may be terminated after 24 weeks due to substantial foetal abnormalities. Each Board will have a gynaecologist, paediatrician, radiologist/sonologist, and other members notified by the state government.

- **Privacy:** A registered medical practitioner may only reveal the details of a woman whose pregnancy has been terminated to a person authorised by law. Violation is punishable with imprisonment up to a year, a fine, or both.

THE PROVISIONS OF THE ACT AND BILL

Time since conception	Requirement for terminating pregnancy	
	MTP Act , 1971	MTP (Amendment) Bill, 2020
Up to 12 weeks	Advice of one doctor	Advice of one doctor
12 to 20 weeks	Advice of two doctors	Advice of one doctor
20 to 24 weeks	Not allowed	Two doctors for some categories of pregnant women
More than 24 weeks	Not allowed	Medical Board in case of substantial foetal abnormality
Any time during the pregnancy	One doctor, if immediately necessary to save pregnant woman's life	

Note: *Doctor refers to registered medical practitioner with experience/training in gynecology or obstetrics.

- The Medical Termination of Pregnancy (Amendment) Bill, 2021 is for expanding access of women to safe and legal abortion services on therapeutic, eugenic, humanitarian or social grounds.
- The amendments include substitution of certain sub-sections, insertion of certain new clauses under some sections in the existing Medical Termination of Pregnancy Act, 1971, with a view to increase upper gestation limit for termination of pregnancy under certain conditions and to strengthen access to comprehensive abortion care, under strict conditions, without compromising service and quality of safe abortion.
- It is a step towards safety and well-being of the women and many women will be benefitted by this.
- Recently several petitions were received by the Courts seeking permission for aborting pregnancies at a gestational age beyond the present permissible limit on grounds of foetal abnormalities or pregnancies due to sexual violence faced by women.
- The amendments will increase the ambit and access of women to safe abortion services and will ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy.