

Medical Termination of Pregnancy (Amendment) Bill, 2021

The Rajya Sabha passed the Medical Termination of Pregnancy (Amendment) Bill, 2021 in March 2021. The Bill was passed by the lower house in 2020. This is an important Bill that seeks to enhance the reproductive rights of women in India. In this article, you can read all about the Medical Termination of Pregnancy (Amendment) Bill, 2021 and the original Act that had been enacted in 1971, for the [UPSC exam](#).

The topic covers subjects like polity, women issues, social issues, etc.

Medical Termination of Pregnancy (Amendment) Bill, 2021 Provisions

The Bill seeks to amend the Medical Termination of Pregnancy (MTP) Act, 1971. This Act covers abortions in India. It had been amended in 1975 and 2002. Before the enactment of this legislation, abortion was prohibited under Section 312 of the [Indian Penal Code](#).

According to this MTP Act, 1971, a pregnancy may be medically terminated by a registered medical practitioner:

1. Where the length of the pregnancy does not exceed twelve weeks (for this, the opinion of one doctor was required).
2. Where the length of the pregnancy has exceeded twelve weeks but does not exceed 20 weeks. In this case, for the abortion to take place, two doctors must be of the opinion that the continuation of the pregnancy would impair the mental and/or physical health of the mother, and/or that if the child were to be born, it would suffer from serious physical or mental abnormalities causing it to be handicapped.
3. The law also required minor pregnant women to get written consent from the guardian for the abortion to be allowed.

Proposed Features of the New Bill:

1. The Bill permits abortion to be allowed up to 20 weeks on the opinion of just one medical practitioner.
2. To terminate pregnancies between 20 and 24 weeks, the opinion of two doctors are required. This extension of the gestation period up to 24 weeks is given for special categories of women such as rape/incest victims, differently-abled women and minors.
3. For abortions beyond 24 weeks, a state-level Medical Board will decide if it can be permitted, in case of substantial foetal abnormalities.
 1. The Board will consist of a gynaecologist, a paediatrician, a radiologist or sonographer and any other number of members as notified by the state government.
4. Only doctors with specialisation in gynaecology/obstetrics can perform abortions.
5. According to the Bill, the “name and other particulars of a woman whose pregnancy has been terminated shall not be revealed”, except to a person authorised by law.
6. In cases where abortions are desired to terminate pregnancies arising out of rape, where the gestation period exceeds 24 weeks, the only manner would be through a writ petition. Read about [types of writs](#) in the linked article.

MTP Amendment Bill Need

The amendment was introduced into the Parliament because the older act had certain concerns, which have been addressed now.

- The MTP Act required amendments because it was outdated in many aspects and had failed to take cognisance of the latest developments in the field of medical science. Current medical technology allows abortions at advanced stages of pregnancy.
- Also, the provision that minors requiring abortions should get written consent from parents/guardians was regressive in some respects. The new bill has removed this requirement.
- The lacunae in the older enactments led to many quacks and unqualified persons running illegal abortion clinics endangering the lives of many women. It is expected that the new amendments will help tackle these issues and bring more abortions into the organised domain, wherein qualified medical practitioners can take decisions and perform safe abortions.

Table showing the MTP Act, 1971 and MTP Amendment Bill, 2021

Time since conception	Requirement for Abortion	
	MTP Act, 1971	MTP (Amendment) Bill, 2021
Up to 12 weeks	Advice of one doctor	Advice of one doctor
12 - 20 weeks	Advice of two doctors	Advice of one doctor
20 - 24 weeks	Not allowed	Advice of two doctors for some categories of pregnant women
Exceeds 24 weeks	Not allowed	Medical Board in case of substantial foetal abnormality
Any time during pregnancy	One doctor if abortion is immediately necessary to save the pregnant woman's life	

Medical Termination of Pregnancy (Amendment) Bill, 2021 Benefits

The intended benefits of passing the amendments are discussed below.

- Many foetal abnormalities are detected only after the twentieth week of pregnancy. The new provisions would cater to such cases.
- The amended law would allow rape victims, disabled and minor women to abort unwanted pregnancies safely and legally.
- The Bill also applies to unmarried women, thus removing a regressive clause of the 1971 Act which said that unmarried women could not ask for an abortion citing contraceptive failure as a reason.
- Allowing unmarried women the right to legally terminate an unwanted pregnancy with a provision to protect her identity will confer reproductive rights to women.

MTP Amendment Bill Concerns

A few concerns have also been raised with regard to the new amendments. Some of them are:

- Society in general still prefers the male child and there are a number of illegal clinics that provide sex determination facility which is banned. There is a concern that a more liberal law for abortion might add to the problem of female foeticide.
- Late termination of pregnancy may get in conflict with the viability of the foetus. Viability is the period from which the foetus can live outside the mother's womb. Viability improves with upgrades in medical technology.
- There is a shortage of qualified doctors and despite the new law, the access for women to safe abortions may still be impaired.
- Another concern with the Bill is that the 20-week cap on abortions is arbitrary. Many foetal abnormalities are detected in the 18 - 22 weeks window, when the foetus is said to be substantially developed.
- There is an ethical perspective to the issue of abortion as well. People opine that the state has to protect all life including the life of the unborn foetus.

Abortion Laws across the World

Abortion laws vary drastically across countries of the world. Countries can be broadly classified into five categories based on the legal status of abortions.

Category	Legal status of abortion (as of March 2021)
1	Prohibited altogether (Iraq, Philippines, Jamaica, Suriname, Egypt, Senegal, etc.)
2	Permitted to save the woman's life (Mexico, Brazil, Uganda, Somalia, Venezuela, UAE, Iran, Afghanistan, Bangladesh, Bhutan, etc.)
3	Permitted to preserve health (Pakistan, Saudi Arabia, Poland, Algeria, Ghana, Zimbabwe, Colombia, South Korea, etc.)
4	Permitted based on broad social or economic grounds (India, Japan, Ethiopia, Great Britain, Finland, Zambia and Taiwan)
5	On request - gestational limits vary - most common is 12 weeks (Russia, China, Australia, Thailand, USA, Canada, South Africa, Spain, France, Sweden, Germany, etc.)