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The Medical Termination of Pregnancy (Amendment) Bill, 2020

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THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) BILL, 2020

Introduction

The Medical Termination of Pregnancy (Amendment) Bill, 2020 (MTP) seeks to expand access of women to safe and legal abortion services on therapeutic, eugenic, humanitarian or social grounds. The proposed amendments to the existing Medical Termination of Pregnancy Act, 1971, aims at increasing upper gestation limit for termination of pregnancy from 20 weeks to 24 weeks under certain conditions and to strengthen access to comprehensive abortion care, under strict conditions, without compromising service and quality of safe abortion.

It is an important step towards safety and well-being of the women. The amendment would increase the gestational age, ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy beyond 20 weeks.

The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi, has approved the Medical Termination of Pregnancy (Amendment) Bill, 2020 to amend the Medical Termination of Pregnancy Act, 1971.

Factors leading to the MTP Amendment Bill 2020

As per the MTP Act, 1971, Termination of Pregnancy was permitted only upto 20 weeks of pregnancy. Women requiring to terminate the pregnancy beyond 20 weeks had the legal recourse to approach the court of law in the event of foetal abnormalities and in the case of rape of minor and differently-abled women.

Various High Courts and Supreme Court have sought the opinion of the government from time to time regarding extending the gestation beyond 20 weeks of pregnancy.

Salient Features of the Bill

- Proposing requirement for opinion of one Registered Medical Practitioner for termination of pregnancy, up to 20 weeks of gestation and introducing the requirement of opinion of two Registered Medical Practitioner for termination of pregnancy of 20 weeks upto 24 weeks of gestation.

- Enhancing the upper gestation limit from 20 to 24 weeks for special categories of women which will be defined in the amendments to the MTP Rules and would include ‘vulnerable women including survivors of rape, victims of incest and other vulnerable women (like differently-abled women, Minors) etc.
- Upper gestation:** Upper gestation limit not to apply in cases of substantial foetal abnormalities diagnosed by the Medical Board. The composition, functions and other details of Medical Board to be prescribed subsequently in Rules under the Act.
- Medical Board:** The Medical Board shall consist of a gynaecologist, a paediatrician, a radiologist or sonologist and such other member may be notified.
- Protection of Privacy of a Woman:** Name and other particulars of a woman whose pregnancy has been terminated shall not be revealed except to a person authorised in any law for the time being in force.

Source consulted

- The Medical Termination of Pregnancy (Amendment) Bill No. 55 of 2020, Lok Sabha.

STATEMENT OF OBJECTS AND REASONS

The Medical Termination of Pregnancy Act, 1971 (34 of 1971) was enacted to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto. The said Act recognised the importance of safe, affordable, accessible abortion services to women who need to terminate pregnancy under certain specified conditions.

2. With the passage of time and advancement of medical technology for safe abortion, there is a scope for increasing upper gestational limit for terminating pregnancies especially for vulnerable women and for pregnancies with substantial foetal anomalies detected late in pregnancy. Further, there is also a need for increasing access of women to legal and safe abortion service in order to reduce maternal mortality and morbidity caused by unsafe abortion and its complications. Considering the need and demand for increased gestational limit under certain specified conditions and to ensure safety and well-being of women, it is proposed to amend the said Act. Besides this, several Writ Petitions have been filed before the Supreme Court and various High Courts seeking permission for aborting pregnancies at gestational age beyond the present permissible limit on the grounds of foetal abnormalities or pregnancies due to sexual violence faced by women.

3. Accordingly, the Medical Termination of Pregnancy (Amendment) Bill, 2020, inter alia, provides for,— (a) requirement of opinion of one registered medical practitioner for termination of pregnancy up to twenty weeks of gestation; (b) requirement of opinion of two registered medical practitioners for termination of pregnancy of twenty to twenty-four weeks of gestation; (c) enhancing the upper gestation limit from twenty to twenty-four weeks for such category of woman as may be prescribed by rules in this behalf; (d) non applicability of the provisions relating to the length of pregnancy in cases where the termination of pregnancy is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board; (e) protection of privacy of a woman whose pregnancy has been terminated.

4. The proposed Bill is a step towards safety and well-being of women and will enlarge the ambit and access of women to safe and legal abortion without compromising on safety and quality of care. The proposal will also ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy.

The Bill seeks to achieve the above objects.

NEW DELHI;
The 14th February, 2020.

DR. HARSH VARDHAN