



# A Law Past Its Sell-by Date

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## Highlights

It was just a year ago when a 10-year-old girl's pregnancy after being raped by her uncle's shook the whole country. We were horrified as we read about her advancing pregnancy and both the Punjab and Haryana High Court and Supreme Court, advised by a doctors' panel, refusing her permission to terminate it. July 28 marked one year since the SC gave its verdict and denied her an abortion.

According to a study published in The Lancet recently, 15.6 million abortions took place in India in 2015 out of which about 11.5 million took place outside health facilities.

## **What are we doing in our country to ensure that our women and young girls get timely justice?**

- Abortion has been legal in India under the Medical Termination of Pregnancy (MTP) Act since 1971, when it was hailed as one of the more progressive laws in the world. According to the Act, abortion can be provided at the discretion of a medical provider under certain conditions.
- When the Act was introduced, policymakers had two goals — to control the population resulting from unintended pregnancies (which even today are to the tune of 48 per cent) and to reduce the increasing maternal mortality and morbidity due to illegal, unsafe abortions.
- Today we can agree that though the Act was liberal for its time, it has limitations that pose barriers to women and girls seeking legal abortions.

## **Limitations**

- Though abortion was legalized almost 50 years ago, a woman's right to decide for herself, did not and still does not fall within the intent or ambit of the MTP Act.
- Currently, the Act allows abortion up to 20 weeks.
- However, when it comes to fetal abnormalities and pregnancies resulting from rape, this limit is proving to be a hurdle for both the woman and the provider.
- Women seeking an abortion after the legal gestation limit (a phenomenon that is fairly common due to later detection of abnormalities in the foetus or shame and stigma associated with rape), often have no option but to appeal to the courts and run from pillar to post for permission to terminate the pregnancy.
- Many women, when denied legal abortions, turn to unqualified providers or adopt unsafe methods of termination. Estimates based on the Sample Registration System (SRS) 2001-03, indicate that unsafe abortions account for 8 per cent of maternal deaths in India.

In 2014, the Ministry of Health and Family Welfare recognized these barriers and proposed certain amendments to the Act.

- Consequently, the MTP (Amendment) Bill, 2014, was submitted, proposing changes key amongst which were increasing the gestation limit from 20 to 24 weeks for rape survivors and other vulnerable women and removing the gestation limit in case of fetal abnormalities.
- Adopting and implementing the amendments will take us a few steps closer towards ensuring that all girls and women have access to safe abortion services.

We are living in times when abortion is at the centre of global conversations on reproductive health and rights. India had once led this dialogue by legalizing abortions. It is time we regain our position for our girls and women.

[The Indian Express](#)

