

MTP Amendment Bill, 2020

March 17, 2021

Highlights of the Bill

- 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.
- 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.
- 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 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.
- **Changes proposed in conditions for terminating a pregnancy at different gestational periods**

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	

- **Termination due to failure of contraceptive method or device:** Under the Act a pregnancy may be terminated up to 20 weeks by a married and unmarried woman in the case of failure of contraceptive method or device.
- **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.
- **Privacy:** A registered medical practitioner may only reveal the details of a woman whose pregnancy has been terminated to a person authorised by law.

Key Issues and Analysis

- 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.
- 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.
- The Act (and the Bill) require abortion to be performed only by doctors with specialisation in gynaecology or obstetrics, As there is a 75% shortage of such doctors.