

Pratigya Campaign's statement on Medical Termination of Pregnancy (MTP) Act amendments

MTP Amendment Bill 2020: Some progress, more remains to be done

New Delhi, March 18, 2021: The Rajya Sabha passed the MTP Amendment Bill 2020 on 16th March 2021, without any changes from the one passed by the Lok Sabha a year ago. Pratigya Campaign for Gender Equality and Safe Abortion had welcomed the amendment as a step in the right direction when it was approved by the cabinet in January 2020. However, Pratigya had suggested some evidence-based changes which would have strengthened the amendments and made India's abortion law truly progressive, rights-based and women centered. The intent of the government as stated in the statement of objects and reasons when the bill was introduced is to "ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy". The bill, as it has been approved now and will become a law soon, falls short of this commendable intent.

Some of the changes suggested by Pratigya Campaign included removing upper gestation limit for survivors of sexual abuse, changing terms like "abnormalities" to "anomalies", "pregnant women" to "pregnant persons", allowing first trimester abortions as a right and doing away with medical boards. These would have made India's abortion laws non-discriminatory, inclusive and truly rights centered. This would have also made India the first country to have a gender neutral abortion law. It is disappointing to see that these evidence based suggestions were overlooked.

The Pratigya Coalition feels that the Government and Parliament have missed an important opportunity to play a global leadership role and demonstrate their stand on protecting and advancing the rights and life of women and girls. 50 years ago when the MTP Act was passed by the parliament in 1971, it was one of the most progressive laws and considered quite liberal for that time (even though it was not rights based). The basic purpose of the law still remains the same, to protect providers since abortion remains a crime under the Indian Penal Code. In spite of the amendments passed, it is still not a legislation that advances women's rights or ensures dignity and justice. Women and girls will continue to face significant barriers in accessing safe abortion in India. In short, it falls far too short of what is required to prevent unsafe abortions and uphold the rights of persons who may need an abortion. The Bill passed in the current form, while making some incremental progress, has disappointed women of this country. A great opportunity to craft a truly progressive, rights based abortion law for the country has been missed.

We believe, we have another opportunity to address some of the gaps. The government can prioritise interests of women and be inclusive while framing the MTP Rules and Regulations. We urge the government to include experts and organisations working to advance women's health and rights in the formulation of rules and regulations.