



Assessing the Judiciary's Role in Access to Safe Abortion-II

An Analysis of High Court
Judgements in India from
May 2019 – August 2020

About Pratigya Campaign for Gender Equality & Safe Abortion

Pratigya Campaign for Gender Equality and Safe Abortion is a network of individuals and organisations working towards protecting and advancing women's rights and their access to safe abortion care in India. The campaign advocates with governments, organisations and media at the national and state levels on issues of women's empowerment and women's access to healthcare services. Foundation for Reproductive Health Services India hosts the secretariat and a dedicated eight-member Campaign Advisory Group guides and offers strategic direction to the coalition and its advocacy efforts.

The Campaign focuses on four thematic areas:

- (a) Extending support to the providers to ensure they continue to provide abortion services.
- (b) Ensuring the continued availability of medical abortion drugs in the markets and support to women using MA out of facility.
- (c) Understanding and engaging with the legal landscape, particularly the jurisprudence in abortion-related cases.
- (d) Building strong alliances with organisations and individuals to sharpen the collective voice of the Campaign.

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Abbreviations

FIR First Information Report

HC High Court

MA Medical Abortion

MTP Medical Termination of Pregnancy/Abortion

MTP Act Medical Termination of Pregnancy Act, 1971

NGO Non-Governmental Organisation

RMP Registered Medical Practitioner as defined under the MTP Act

SC Supreme Court

SCC Online Supreme Court Cases Online



Chapterisation

Chapter 1:

Introduction and Context

01

Chapter 2:

Scope of the Report

03

Chapter 3:

Analysis of the Numbers

05

Chapter 4:

Focus Cases

11

Chapter 5:

Conclusions & Recommendations

19

References

19

Chapter 01

Introduction & Context



This report is in continuation of the first report that was released in September 2019 titled 'Role of the Judiciary in Access to Abortion'. Just to recap, the first part covered the period from June 2016 till April 2019 and covered 21 cases before the Apex Court and 175 cases that came before the various High Courts across the country where pregnant persons were seeking permissions of the Court to terminate the pregnancy that they were carrying.

A lot has changed since the last report, not only before the Courts but also in the legislative set up. Before the Apex Court, there was a lot of movement in the Dr. Nikhil Datar¹ case which had been filed before the Apex Court as an appeal from an order of the Bombay High Court in 2008 challenging the order, refusing the termination of pregnancy sought on grounds of foetal anomalies, which came to light only after 20 weeks (which is the maximum upper limit as per the MTP Act).

In this litigation before the SC, new parties intervened, including the Pratigya Campaign; and the Union of India filed draft guidelines before the Supreme Court which included constitution and instructions for the medical boards set up to deal with cases of termination of pregnancies beyond 20 weeks.

A new case was filed seeking decriminalisation of abortion before the Supreme Court² and another before the Delhi High Court seeking expansion of the MTP Act³. Intervention applications were filed in the existing cases and submissions were made asking for all the connected matters to be heard together.

While the cases before the SC were adjourned due to time constraints, the MTP Amendment Bill 2020 received Cabinet approval.

The MTP Amendment Bill 2020 was tabled before the Lower House of the Parliament⁴ and was passed after a couple of hours of debate and discussion on 17th March 2020⁵.

Before the Bill could be placed before the Upper House of the Parliament, the Parliament was locked down due to the COVID-19 pandemic. The critique of the Bill along with the recommendations of the Civil Society are available on the Pratigya website.

During the lockdown, access to abortion became even more difficult although there was some respite once the Ministry of Health and Family Welfare declared access to abortion as an essential service⁶.

The Ministry also brought out guidelines for telemedicine⁷, however, access to medical abortion has not been included in these guidelines. This is the context in which access to abortion through the Courts is being assessed in this report.



The present report covers cases of permission for termination of pregnancy from 1st May 2019 till 15th August 2020 which were before the different High Courts⁸ in India. It is stated at the outset that all attempts have been made to ensure that all cases which went to court are covered in this report, however, it is possible that some cases have been left out. This is because there is no specific category of cases which are to be uniformly filed before the various courts indicating that these are cases seeking permission for termination.

Cases have been accessed on the basis of search words like 'abortion' and 'medical termination of pregnancy' on websites like Indiankanoon, SCC online and Manupatra and legal news sites like Live Law and Bar & Bench and the High Court websites.

Attempts were also made to confirm and verify this information from lawyers, practising before various High Courts, to ensure that any cases that were left out in this process are accessed. Needless to say,

each High Court has its own manner of sharing orders and judgments and each website is unique and therefore, despite the best efforts of the team, cases may have been left out.

This report covers 14 High Courts and it appears that in the other 11 High Courts, no such cases were filed, however, as stated above, this is subject to correction.

There are 243 cases which have been covered over a period of one year and three months in High Courts and one appeal before the Supreme Court. To contextualise, the previous report covered a total of 175 cases before the High Courts over a period of three years.



Chapter 03

Analysis of the Numbers



From the 243 cases which were before the various High Courts, two were appeals from the order of a Single Judge before the Division Bench.

Table 1: Overall HC case load and division of judgement outcomes before each of the 14 High Courts.

High Courts	Number of Cases	% of Number of Cases
Bombay	129	53%
Madhya Pradesh	36	15%
Gujarat	16	7%
Rajasthan	13	5%
Punjab and Haryana	9	4%
Madras	8	3%
Chhattisgarh	7	3%
Kerala	7	3%
Delhi	6	2%
Karnataka	6	2%
Calcutta	3	1%
Gauhati	1	0.4%
J&K	1	0.4%
Jharkhand	1	0.4%
Total	243	99.2%

133 cases were filed by the pregnant woman herself and 109 were filed by a guardian on behalf of the pregnant woman and one appeal was filed by the State. In 138 cases, the pregnant persons were majors i.e. above 18 years of age and in 105 cases, the pregnant persons were minors.



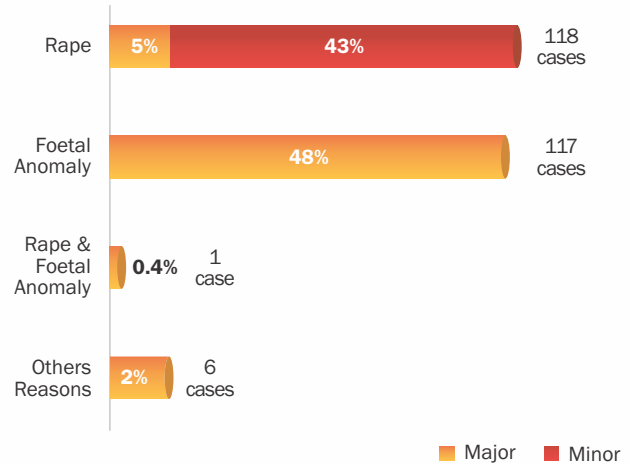
Reasons for Seeking Termination

In 117 cases, the reason for seeking the termination of pregnancy was the diagnoses of foetal anomalies which were substantial in nature while in 118 cases, the reason for termination was that the pregnancy was a result of sexual assault and rape.

In three cases, the pregnancy was sought to be terminated because it was an unwanted pregnancy due to change of circumstances for the pregnant woman, for example, one was failure of sterilisation operation and the other two were because of estrangement of relationship.

In two cases, the reason given was the risk of life to the pregnant woman wherein in one case, the pregnant woman had to undergo chemotherapy and could not do the same because she was pregnant and in the second case, the pregnant woman had a pre-existing condition which coupled with the pregnancy was perceived to be a threat to the life of the woman.

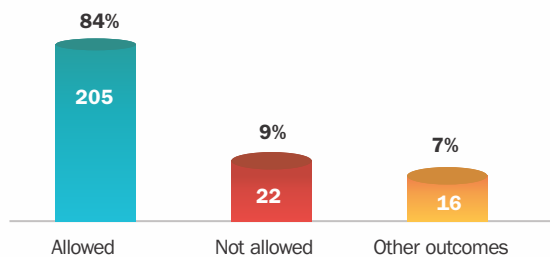
In one case, the reason for seeking termination was both foetal anomaly and the pregnancy being the result of rape, in one case, the reason was intrauterine foetal death and in one case, the reason was not stated in the order.



Graph 1: Categorisation of reasons provided for the MTP request by the legal age classification of the women. The category 'Other Reasons' here includes reasons like intrauterine foetal death, risk to life of mother and unwanted pregnancy. The data doesn't include one case for which the reason was not mentioned.

How many Cases were Permitted?

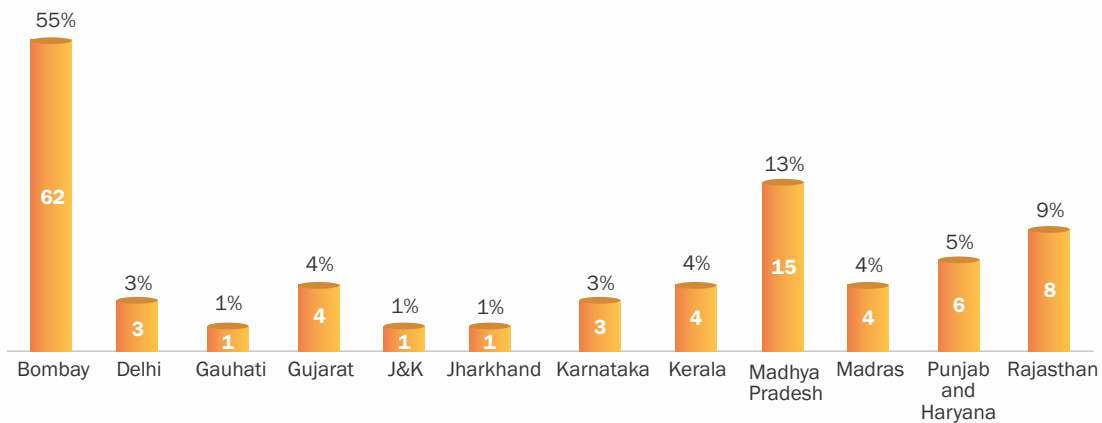
Of the 243 cases, in 205 cases permission to terminate the pregnancy was given by the Court and in 22 cases permission was not given. In eight cases, the petition was withdrawn, in three cases, the petition became infructuous, two cases were dismissed, two cases were allowed by the Appellate Court and in one case, the appeal was also dismissed.



Graph 2: Overall judgement outcomes

The outcome category 'Other outcomes' includes cases that ended in dismissals, infructuous and those that were withdrawn.

112 cases from the 243 were heard by various courts during the lockdown, 62 of those were before the Bombay High Court.

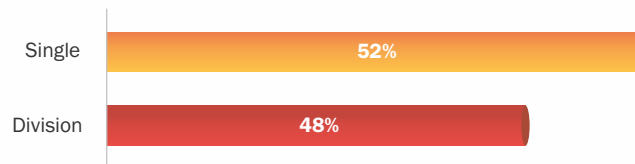


Graph 3: Total number of cases heard during lockdown = 112

Distribution of the number of cases heard across the various High Courts during lockdown (beginning from 23rd March 2020 till 17th August 2020).

116 cases were heard by Division Benches and 127 cases were heard by Single Judges which include vacation benches and cases heard during the lockdown.

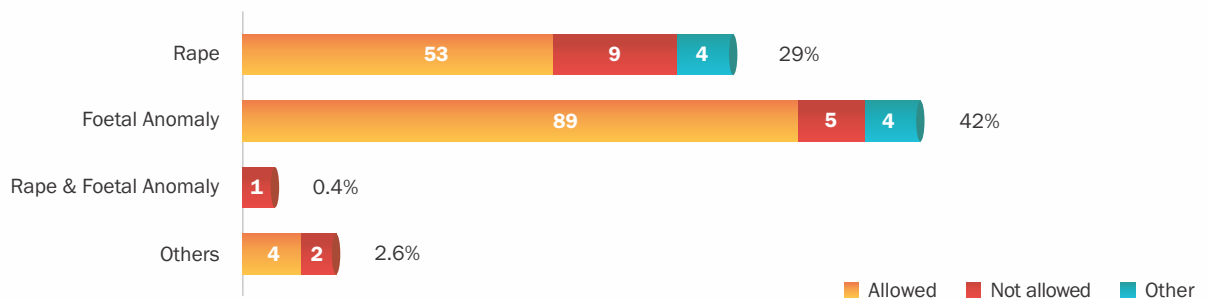
Graph 4: Categorisation of the total number of cases heard based on the bench strength in each case.



In 41 cases, FIRs had already been lodged, in 78 cases, there was a reference to an FIR, though, the dates were not mentioned and in 124 cases, the filing of FIR was not applicable.

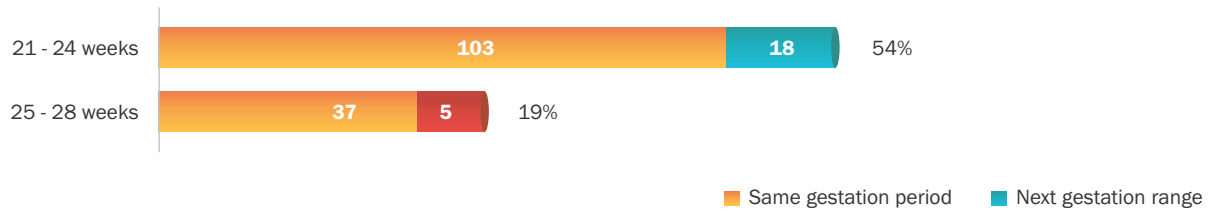
A total of 171 cases were post the 20-week cut-off, of which 121 cases were between 21-24 weeks at the time of filing, 42 cases were between 25-28 weeks and eight cases were above 28 weeks.

119 cases were between 21-24 weeks when the case was decided, 55 were between 25 to 28 weeks and 13 were above 28 weeks. In 18 cases, the gestational age of the pregnancy at the time of the decision was not mentioned.



Graph 5: 74% cases filed post the 20-week gestation period

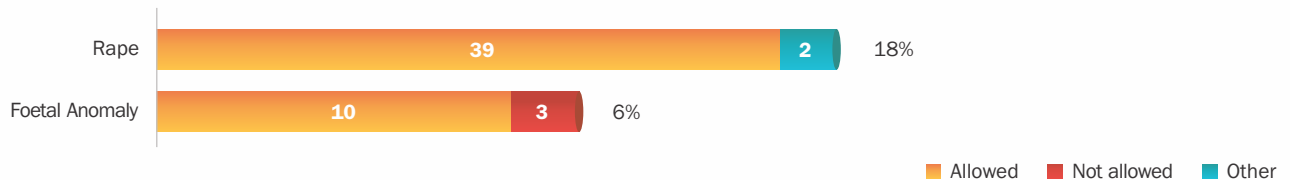
Reasons for the MTP request categorised by judgement outcomes for cases filed post the 20-week gestation period. The data doesn't include 18 cases for which the gestation period was not mentioned.



Graph 6: Cases filed post the 20-week gestation period

Representation of the time taken by courts to reach an outcome for cases filed – within the 20-week gestation period (Graph 5) and post the 20-week gestation period (Graph 6). Gestation period is the grouping of weeks during pregnancy to indicate the stage that the woman is in, thereby same gestation would indicate that the case reached an outcome within the same range as when the case was filed and next gestation range indicates that the pregnancy has advanced to the next range when a judgement was reached.

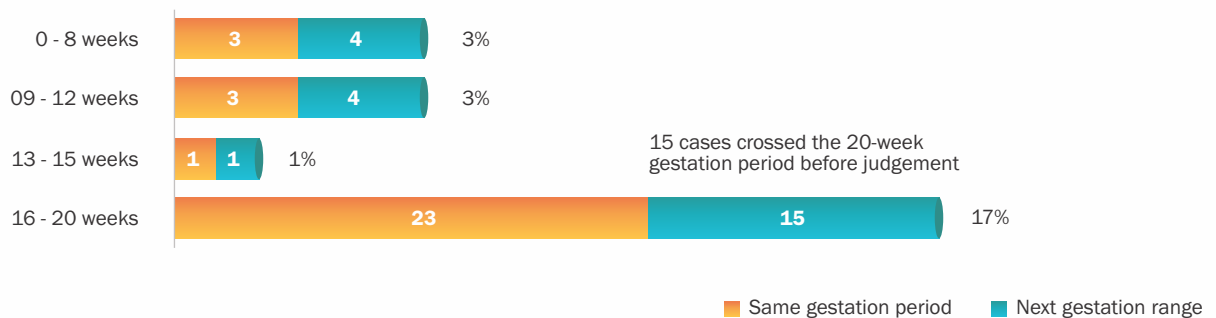
54 cases from the total of 243 were filed before the 20-week cut-off, out of which 14 cases were in the range of 0-12 weeks and 40 were in the range of 13-20 weeks.



Graph 7: 23% cases filed within the 20-week gestation period

Reasons for the MTP request categorised by judgement outcomes for cases filed within the 20-week gestation period. The data doesn't include 18 cases for which the gestation period was not mentioned.

38 cases were decided by the Court when the gestational age was below 20 weeks from which 10 were in the range of 0-12 weeks and 28 were in the range of 13-20 weeks.

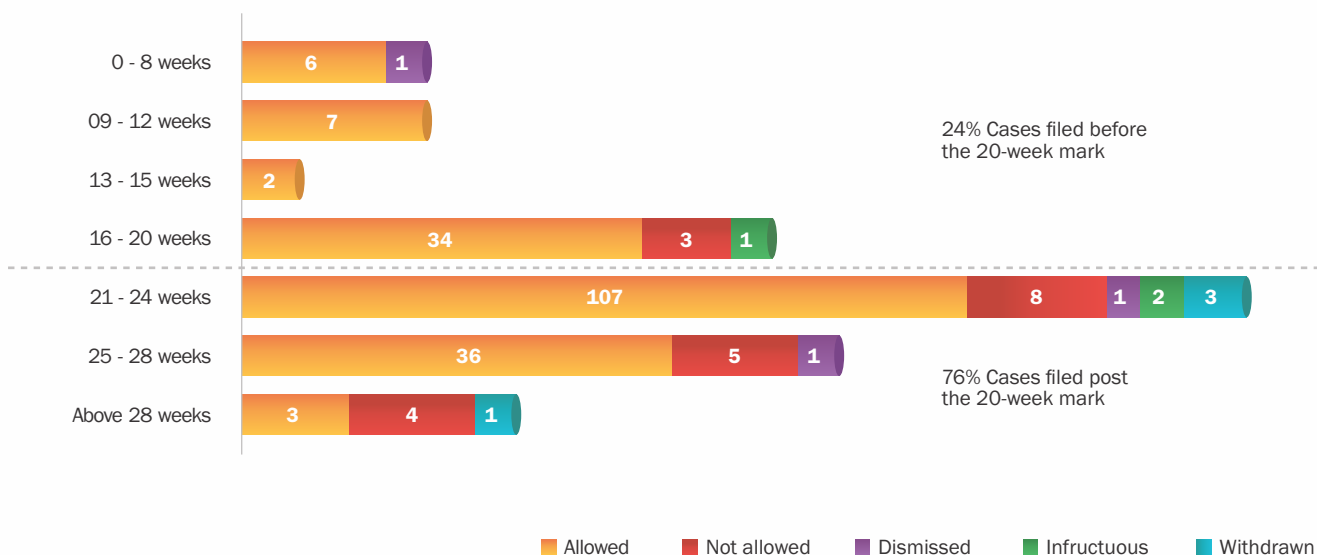


Graph 8: Cases filed within the 20-week gestation period

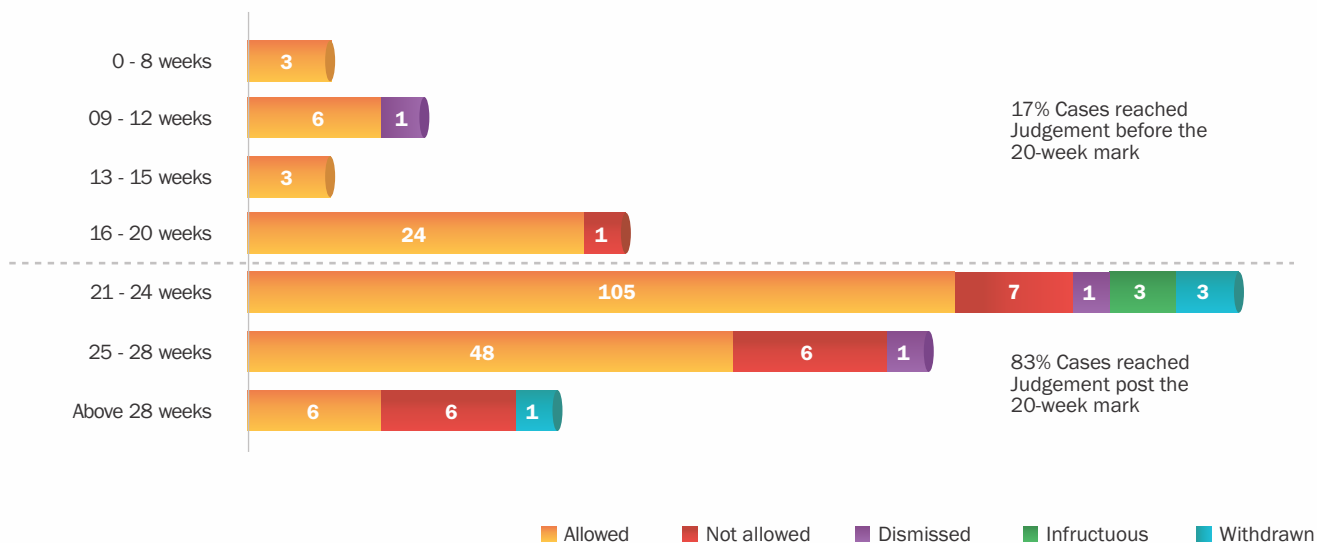
Representation of the time taken by courts to reach an outcome for cases filed within the 20-week gestation period. Gestation period is the grouping of weeks during pregnancy to indicate the stage that the woman is in, thereby same gestation would indicate that the case reached an outcome within the same range as when the case was filed and next gestation range indicates that the pregnancy has advanced to the next range when a judgement was reached.

This parameter has been mentioned to also highlight the time taken by the Courts to decide on a case.

Graph 9: Gestation period at filing



Graph 10: Gestation period at judgement



Graph 9 & 10: Distribution of cases based on the gestation period of the women at the time the case was filed (Graph 9) and at the time of judgement (Graph 10) respectively; and further categorised by the judgement outcomes. The data doesn't include 18 cases for which the gestation period was not mentioned.

Chapter 04

Focus Cases



In this part, some of the groundbreaking cases are discussed, both of which take the access to safe and legal abortion forward or impact them.



Bombay High Court

X through Father v State

In the instant matter, termination of pregnancy was held to be necessary to safeguard the mental health of the pregnant woman, who is a minor. The Court held that the pregnant minor girl is a victim of physical abuse and as such she has a choice and her decision to terminate the pregnancy is required to be taken into account. The freedom to make a choice by the woman which is an integral part of personal liberty cannot be taken away. It shall also be taken into consideration that besides physical injury, the legislature has widened the scope of the termination of pregnancy by including "injury" to the mental health of the pregnant woman also, to be a valid ground. In the instant matter, though pregnancy is alleged to be a result of physical abuse, the choice of a rape victim of terminating unwanted pregnancy needs to be respected.

Nazneen v State

Permission was sought on the ground of foetal anomaly at 23 weeks. Medical opinion was that the foetal anomaly can be corrected with surgeries and therefore the prayer for termination of pregnancy is dismissed as is the petition. The Court held that when the medical opinion is indicating no termination then no other factors are required to be considered. The earlier order directing the board to give its opinion stated that this court has taken a view that section 3 shall have to be read with section 5 of the Medical Termination of Pregnancy Act, 1971 and in an appropriate case, a direction can be issued, permitting the termination of pregnancy of a duration of more than 20 weeks.

ABC v State

In this case, the Court permitted MTP at 23 weeks for a minor girl inspite of the medical opinion not in favour of MTP since the board opined that there is no impact on the health of the petitioner in continuing the pregnancy. The Court held that the board has not considered the impact on the mental health of the petitioner and the social stigma in a country like India that an unwed mother has to face.

Komal Hiwale

A case of termination of pregnancy for one foetus in which foetal anomalies were detected in a twin pregnancy case. The High Court refused, however,

the Apex Court permitted on appeal. The High Court was of the opinion that the foetal anomaly was likely to be substantial but not confirmed and that the likelihood of the other foetus being aborted and/or injured was a good ground to refuse the termination.

S v State

An extremely important case in the context of access to abortion. The pregnancy was as a result of sexual assault and was filed at 27 weeks. The medical board opined the MTP can be done with the use of foetal injection and the same was permitted by the Court. However, the minor girl had to deliver as there was no specific direction to a particular hospital to conduct the MTP with the use of foetal injections. The newborn was given for adoption a month later for which the minor girl had to again go to complete the formalities. However, this is the first time that the Courts spoke about the use of foetal injections for termination of an advanced pregnancy.

SS v State

In this case, the Bombay High Court permitted termination of pregnancy for a single unmarried woman who was pregnant as a result of a consensual sexual intercourse. However, the relationship did not fructify and the petitioner found herself to be pregnant. Due to the lockdown and her irregular periods, by the time she realised that she is pregnant, it was already past 20 weeks. She had moved the Court seeking permission as the pregnancy was unwanted and the continuation of the same would cause her mental trauma and anguish. The Court also considered her social and economic background and the fact that being an unwed single mother will make her life extremely complicated. This is one of the few cases where permission given was not due to rape or foetal anomalies.

XYZ v State

In this case, the termination was sought for the pregnancy in a minor girl which was a result of sexual assault. The pregnancy was already at 25 weeks when the Court was approached. The medical board in its first report refused termination of pregnancy inspite of categorically observing that

the continuation of the pregnancy was causing mental anguish to the minor girl and her parents. A second report only on the specific question of whether the procedure termination of pregnancy would be medically advisable or not for the minor girl based on her health condition was called for. In the second report too, the medical board gave a

general, non-committal opinion stating unverified facts and figures regarding maternal mortality and abortion. The Court, based on an undertaking given by the petitioner and her parents that they were seeking termination of pregnancy in spite of the reports given, permitted the MTP by relying on legal grounds.

Chhattisgarh High Court

Pallavi Bhoi v State

This case needs attention due to the language used while permitting MTP due to foetal anomaly. The Court observed, 'there is no doubt that the petitioner has a right to preserve and protect her life and also has a right to see that a healthy baby is born which may not be subject to neglect and abuse of society. The child also has a right to be healthy and not live a life of scolding and censure of others. The child born with infirmity, both mental and physical for all practical purposes would be a burden to himself and hiding spot would not help and expectation of normal behaviour by society would be contrary to general expectation'.

Fuleshwari v State

Permission for termination was refused as the pregnancy had reached 28 weeks, by the time the decision was given. The case was pending for four weeks as two RMPs, as per law were not available in the district to opine on the termination of the pregnancy and the minor had to be referred to another district.

Ram Avtar v State

In this case, the father of the minor pregnant girl had moved the High Court asking permission for termination of the pregnancy carried by her. The High Court was approached when the pregnancy was at the gestational age of 27 weeks and was decided at 28 weeks. The High Court refused permission because it appeared that the minor girl was not willing to undergo an MTP and wanted to carry the pregnancy to term. The judgment from this point of view is positive as it ensures that an MTP is not conducted on a pregnant person without her consent. However, the reasoning given in the case is concerning. The refusal apart from the consent aspect was also based on how abortion is a sin in the Vedas and that the Government of India has a stand that the foetus is viable after 20 weeks and then relies on the UN CRC for reading rights of the child as rights of the unborn foetus.

Madhya Pradesh High Court

Munshi Singh v State

This case stands out for the sheer time taken in a case of this nature, to reach a decision. The case came within the system when the pregnancy was at 12 weeks and it was finally decided at 22 weeks. It was observed by the Court that when the minor who was missing, was found, on medical examination

she was at about 12 weeks pregnant. However, it appears the police told her to not raise any alarm about this as this was evidence but the father moved the Court about four weeks later. Observations were made by the Court regarding the trauma that she will go through if she is forced to continue the pregnancy. There were also some procedural issues as this was filed in a different format and then nearly four weeks went in placing the matter before the appropriate bench.



Madras High Court

X v State

This is a case of a minor girl approaching the High Court at eight weeks seeking termination of pregnancy. In this case, the minor was constrained to approach different hospitals before finally moving the Court. The Court took cognisance of the fact that this case was not required to approach the High Court and directions were given for cases where the pregnancy is below 20 weeks and also for beyond 20 weeks. The Court stated that clearly, the cases below 20 weeks should not come to court and do not require a medical board. Beyond 20 weeks, where termination of pregnancy is immediately necessary to save the life of the pregnant woman, the medical board to decide and no need to come to court. For the other cases of beyond 20 weeks, the High Court to direct examination by permanently set up boards. The preservation of evidence to be done forensically where criminal cases are filed.

Rajasthan High Court

State of Rajasthan: Appeal filed by the State before the Division Bench

This is an appeal from the order of a Single Judge refusing permission for termination of pregnancy of a minor girl on the consideration that there is an apparent threat to the life of the minor pregnant girl and that the right to life of the foetus is over and above the trauma that a pregnant rape survivor experiences. Detailed orders passed for placing the child after birth with an NGO who had also intervened in the matter. In the appeal, the reasoning was overturned, however, since the minor had already given birth, the directions qua her were not interfered with. Additional directions were given for MTP requests by minors, where the pregnancy is as a result of rape, including the ones below 20 weeks of gestational limit, where application to an appropriate authority and/or court is to be made, which has to be decided within three days. This, however, is not in conformity with the MTP Act since there is no requirement for any other approval. The Court also recognises the harm done by delays in MTP matters. The order also recognises that the language used in the earlier orders is problematic.



Focus High Courts

There are five High Courts which are featured here, the first two being the Courts where a majority of the cases have been filed i.e. Bombay High Court and Madhya Pradesh High Court. The second set is for the reason that from the total litigation around MTP that these courts saw, they have the highest percentage of cases below 20 weeks. These are the High Courts of Rajasthan and Gujarat. The last High Court i.e. Punjab & Haryana is featured for specific trends which are referred to below.

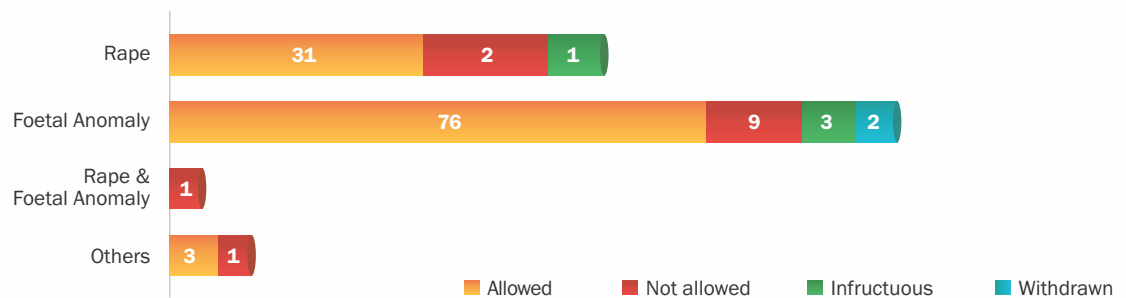


Bombay HC

This court saw a total of 129 cases in the past year and three months. 90 of these were filed due to foetal anomalies and 34 cases were filed due to the pregnancy being a result of sexual assault and rape. In one case, there was intrauterine foetal death, one case was of sexual assault and foetal anomaly, one case was of risk to the life of the mother and in two cases the pregnancy had become unwanted for the pregnant woman.

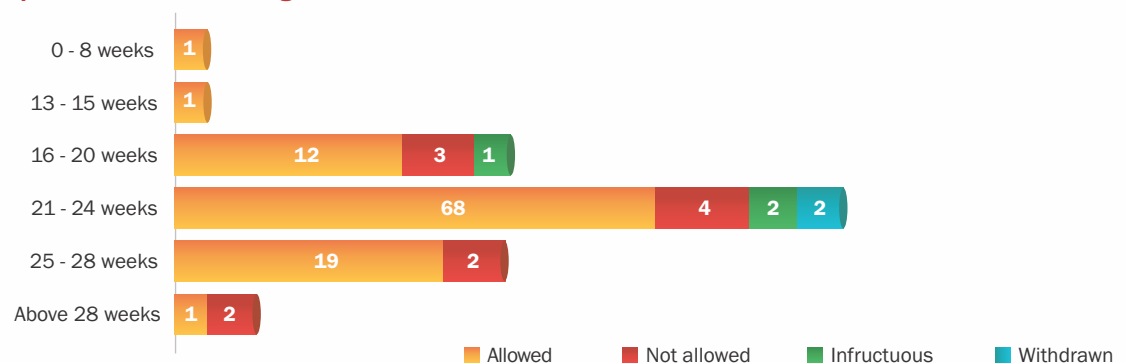
In 111 cases, the Bombay HC permitted the pregnant woman to terminate her pregnancy and in 13 cases, the Court did not permit. One case was allowed on appeal to the Supreme Court, in two cases, the petition became infructuous as the pregnant woman miscarried and in two cases, the petition was withdrawn.

Graph 11: Number of cases



From the 129 cases, 18 cases were filed before the 20-week cut-off and nine of those were decided while still being below 20 weeks from which eight were allowed and one was not allowed. In nine cases, the decision was reached after the pregnancy had crossed the 20-week limit and from this six were allowed, one became infructuous and two was not allowed. 13 cases from the 18 were filed due to foetal anomalies and five due to rape.

Graph 12: Gestation period at the time of filing



This court also saw the most number of cases being filed and heard during the lockdown.

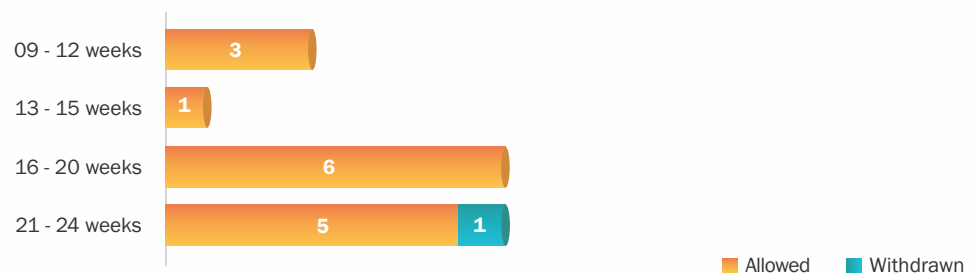
Gujarat HC

There were 16 cases in the last one year and three months that were heard by the Gujarat High Court. 13 cases were filed by minors and three by majors. The reason for seeking termination of pregnancy in all the 16 cases was that the pregnancy was a result of sexual assault. Of these, 15 were allowed for termination and one was withdrawn.

Graph 13: Number of cases



A total of 10 cases from the 16 were filed before the 20-week cut-off and eight of them were decided before they crossed the 20-week limit.



Graph 14: Gestation period at the time of filing

From all the cases allowed, six of them moved to the next gestation range from the time of filing to judgement; out of which five were filed before the 20-week mark and one after, but three cases received judgement post the 20-week mark.

A number of cases stand out from this court because there were no guidelines issued or questions asked about the necessity for the petitioner to approach the Court before the 20-week limit. The petitioners were examined by medical boards which consisted of six to eight doctors and the Court had asked the medical board to opine on the mental and psychological preparedness of the pregnant person for undergoing a termination of pregnancy. In some cases, the petition was filed through the Legal Aid Services Authority and even then, the necessity of seeking permission was not questioned.

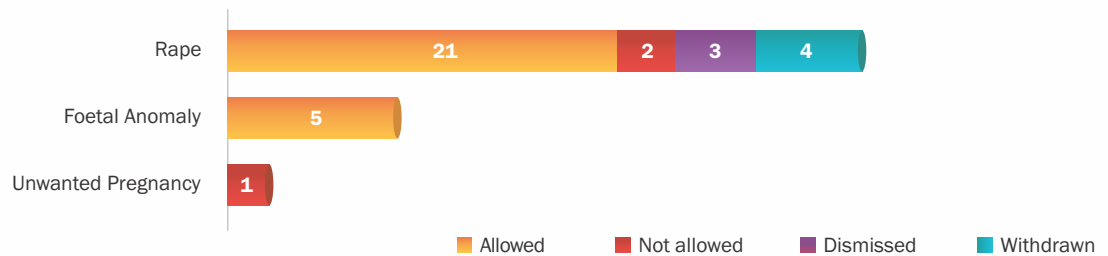


Madhya Pradesh HC

This High Court saw 36 cases over the last year and two months. In eight cases, the petitioner was major and in 28 cases, the petitioner was minor. In 25 cases, the permission to terminate the pregnancy was given by the Court. In three cases, the permission was denied, in one case, the permission was given on appeal, four cases were withdrawn by the petitioner. One case was dismissed by the Single Judge and was then also dismissed by the Division Bench on appeal while one case was withdrawn.

Of the 36 cases, in five, the reason for the termination of pregnancy was foetal anomalies. In 30 cases, the reason was that the pregnancy was a result of sexual assault, 28 of these cases were of minors and two were of major women. One case from the 36 was of unwanted pregnancy due to change of circumstance. This case was not allowed for termination by the Court.

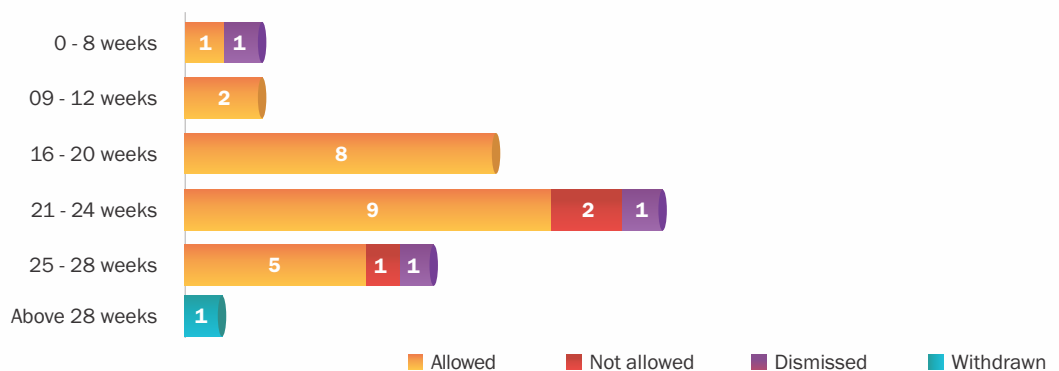
Graph 15: Number of cases



A total of 12 cases were filed before the 20-week cut-off. In all the 12 cases, the reason for seeking termination was that the pregnancy was a result of sexual assault and all 12 of them were minors. From the 12 cases, when eight were decided, they were still below the 20-week cut-off and four had crossed the limit.

In 20 cases, the petition was filed after the 20-week cut-off and 13 of those were for minor pregnant girls. In 14 cases from the 20, the reason for seeking termination was sexual assault and in five, it was due to foetal anomalies and one was due to the pregnancy being unwanted.

Graph 16: Gestation period at the time of filing



All the matters were before a Single Judge, except for the two appeals which were heard by the Division Bench. This court also saw the greatest number of judgments where inspite of the medical board refusing termination of pregnancy in its opinion, the Court, based on legal grounds and in line with the precedents, permitted termination of pregnancy.

In one case, the Court came down heavily on the lack of urgency shown by all stakeholders concerned, including the counsel for the petitioner, in ensuring that a matter of this nature is filed, listed and heard at the earliest. In another case, the petitioner father was fined Rs. 25,000 by the Court since he misrepresented to the Court that his minor pregnant daughter had consented to the termination of the pregnancy.

Rajasthan HC

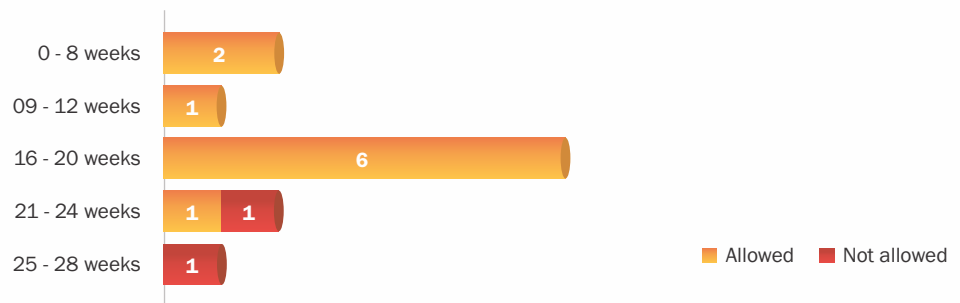
This High Court saw 13 cases during the past year and three months. From the 13 cases, 12 were related to minor pregnant petitioners. The reason for seeking termination in all cases was the pregnancy being a result of rape. In 11 cases from the 13, the Court gave permission for termination of pregnancy. Out of the two cases where the permission was not given, one was the appeal filed by the State challenging the order of refusal by the Single Judge. The Division Bench was constrained to not interfere with the order of the Single Judge on the aspect of the permission since the child had already been delivered. Hence this was also counted as a case of permission not given.

Graph 17: Number of cases



In nine cases, the case was filed when the pregnancy was still below the 20-week cut-off and eight of these cases were decided when the pregnancy was still below the 20-week limit. However, there were no specific directions given in any of these cases regarding the necessity of these cases reaching the High Court when already permitted in law.

Graph 18: Gestation period at the time of filing



In the appeal case which was filed by the State, the Division Bench gave a number of directions on how cases of this nature need to be dealt with, however, as stated above, it refers to authorities beyond the MTP Act and would end up creating further confusion and delay at the grass-root level.

Punjab & Haryana HC

Even though the total number of cases tracked for the Punjab and Haryana High Court is nine, it is necessary to mention this court specifically. In two of the cases heard by this court, the medical board in its opinion, which was also reproduced in the judgment, has recommended the use of potassium chloride injection as per the RCOG guidelines⁹.

In both the cases as referred to above, the petitioner was examined by the medical board set up in the PGIMER¹⁰, Chandigarh. In one case the pregnancy was between the 21-24 weeks range and in the second case, the range was 25-28 weeks. The reference to internationally accepted guidelines in dealing with a case of termination of pregnancy at hand is worth noting.



Graph 19: Reason for MTP filed against the gestation period when the case was filed. All the nine cases were allowed and reached their outcomes during the same gestation range.

The nine cases that were heard by this court were all filed for major women after detection of foetal anomalies after the 20-week cut-off. In all the cases, the Court has granted permission for termination of the pregnancy.

Chapter 05

Conclusions and Recommendations

In conclusion, it can be said that the last year has seen a growing increase in the number of cases reaching courts for permission. While a number of orders permitting termination are based on the opinion of the medical board and the jurisprudence already laid down in previous cases, there have been some groundbreaking judgments in the past year also, which have been highlighted.

This lays emphasis on the necessity for the law to keep up with the changing times. It is imperative that access to abortion becomes a legal right for pregnant persons at least in the first trimester. It is necessary that the opinion of the doctor, that the pregnant person is consulting should be considered as primary and the only one required. The setting up of medical boards which has been done by the Courts while dealing with cases of this nature has only created further obstacles for pregnant persons in accessing safe and legal abortion.

This also brings us to the current developments taking place regarding the MTP Act. The MTP Amendment Bill 2020 received¹¹ Cabinet approval in January 2020 and was placed before the Lok Sabha in March 2020 and was passed¹² by the Lok Sabha on 17th March 2020 after a debate of about two hours.


Pratigya Campaign has been a part of the Civil Society Recommendations¹³ - a document that has been developed to critique the Bill on its shortfalls. It is necessary to emphasise that this will only be the second time that the MTP Act will be amended in its nearly 50 years of existence and it is absolutely essential that the law at least now becomes woman-centric and does not continue to be medicalised.

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