

Pratigya Campaign for Gender Equality and Safe Abortion

Time to Amend the Medical Termination of Pregnancy (MTP) Act to Remove Gestational Limit for Minor and Survivors of Sexual Assault

The Supreme Court of India, recently while allowing the petition of a minor pregnant person seeking permission to terminate the pregnancy which was beyond 24 weeks, observed that the central government should consider amending the MTP Act to remove gestational limits for termination of pregnancy for minors and survivors of rape. The judgement given by the two-judge bench noted that “If the pregnant woman carrying an unwanted pregnancy is compelled to continue such a pregnancy, then the constitutional rights of the pregnant woman would be breached.” The Pratigya Campaign for Gender Equality and Safe Abortion welcomes the Supreme Court’s judgement and observation and would urge the government to amend the MTP Act.

Survivors of rape often face challenges in accessing abortion services due to delays in recognising pregnancy, disclosing abuse, and accessing care—driven by trauma, stigma, fear, and systemic barriers. In many cases by the time they seek abortion services, the gestation is beyond 24 weeks. Under the existing law termination of pregnancies beyond 24 weeks is only available in case of substantial foetal malformations as determined by a medical board.

In recent years Courts across the country are being approached by survivors of rape seeking termination beyond the gestational limits, highlighting the growing disconnect between law and lived reality. In such cases, courts have often referred cases to Medical Boards. Medical Boards arrive at their decisions based solely on medical grounds, without taking into consideration the pregnant woman’s interests and the mental, emotional and physical trauma continuation of pregnancy can cause. In many cases the courts have adopted a rights-based approach keeping the pregnant woman’s interests at the centre and permitted termination beyond 24 weeks gestation for minors and rape survivors.

In the run-up to the amendment to the MTP Act 2021, Pratigya Campaign and many other civil society organizations had advocated for no gestational limits for termination of a pregnancy for rape survivors. Unfortunately, the recommendations were not considered at that time.

Survivors of sexual assault should not be compelled to approach courts repeatedly to access healthcare. Judicial interventions, while progressive, cannot substitute for a clear, rights-based, and accessible legal and healthcare framework. The recent judicial observations provide an important opportunity to strengthen conversations around abortion rights, bodily autonomy, provider support, and equitable access to care. The lack of clarity regarding late term abortion poses a huge challenge for providers. Pratigya Campaign recommends that the MTP Rules should be looked into carefully to address challenges faced by providers, providing late term abortions.

Pratigya Campaign would urge the Central Government to amend the MTP Act to permit termination of pregnancy for minors and survivors of rape without any gestational limits. We believe this will keep the interests of pregnant women at the centre, avoid unnecessary litigation, and provide clarity to service providers.