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MTP Act amendment - A Boon to Women Empowerment

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Abstract

The MTP Act of 1971 is intended to protect the interest of both the pregnant women and unborn fetus when the situations arises for ensuring a regulated medical termination of pregnancy under certain circumstances. This was initiated to restrict illegal abortion , allowing termination of pregnancy by a medical practitioner in two stages - upto 12 weeks , opinion of one doctor was required and pregnancy between 12-20 weeks, opinion of two doctors was required.

In 2021 , parliament amended the law and allowed termination under the opinion of one doctor for pregnancies upto 20 weeks and termination under opinion of two doctors for pregnancies upto 20-24 weeks (rules specified)under section 3B under MTP Act.

Supreme Court Judgment in 2022 - all women entitled to safe and legal abortion not differentiating married and unmarried women. Reproductive autonomy is closely linked to bodily autonomy , the right to choose contraception , the number of children . The consequences of unwanted pregnancy on a woman cannot be undermined and the health of foetus depends on the mental wellbeing of mother. Meaning of Marital Rape solely within the meaning of MTP Act and Rules - married women may form part of a class of survivors of sexual assault and rape as it is quite possible that a woman may become pregnant on account of a non-consensual act by the husband. MTP Act and POCSO Act has to be read harmoniously and there is no need to disclose the identity of minors .

Keywords- MTP amendment , unmarried women , marital rape , pocso