

Abortion Plea

Why in news?

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The Supreme Court rejected the plea of a 10-year rape victim to abort her 32-week foetus, based on a medical panel report.

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What was the court's rationale?

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- The Medical Termination of Pregnancy Act of 1971 bars abortion if the foetus has crossed the 20-week mark.

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- Women who have crossed the 20-week limit need a judicial order to even get medically examined on their plea for abortion.

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- If a registered medical practitioner certifies to a court that the continued pregnancy is life-threatening for either the mother or the baby, then the court can allow the abortion process.

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- In this case the SC Bench had directed doctors from P.G.I., Chandigarh, to medically examine the girl and file a report in court.

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- The court perused the report filed by the doctors and denied permission for an abortion, stating that such a move would endanger the lives of both the girl child and her 32 weeks foetus.

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- The Act also provides that if any of these medical eventualities is likely to arise, then the mother's actual or foreseeable environment must also be taken into consideration.

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What WHO says in this regard?

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- The World Health Organisation notes that Legal restrictions on abortion do not result in fewer abortions nor do they result in significant increases in birth rates.

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- It does not decrease the need for abortion, but it is likely to increase the number of women seeking illegal and unsafe abortions, leading to increased morbidity and mortality.

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- It also forces many women to seek services in other countries/states, which is costly, delays access and creates social inequities.

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- Similarly laws and policies that facilitate access to safe abortion do not increase the rate or number of abortions.

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- The principal effect is to shift previously clandestine, unsafe procedures to legal and safe ones.

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What should be done?

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- Women are forced to undertake the cumbersome process of approaching different courts, from district courts to high courts and finally the Supreme Court.

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- The Bench urged the government to consider setting up permanent medical boards across the States so that women, especially child rape victims, could receive expedient access to medical care.

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- In most such cases, the pregnancy is not even discovered until after the 20-week period is over because the children are themselves unaware of their condition

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- An amended Bill of the 1971 law which extends the bar from 20 to 24 weeks has not been passed for the past three years.

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- It also allows abortion beyond 24 weeks in case the foetus suffers from substantial abnormalities.

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- This should be passed keeping in mind the special cases like rape and abnormalities.

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Source: The Hindu

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