

Bill No. 228 of 2019

THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT)
BILL, 2019

By

DR. SANJAY JAISWAL, M.P.

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BILL

further to amend the Medical Termination of Pregnancy Act, 1971.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2019.

Short title
and
commencement.

5 (2) It shall come into force at once.

2. In section 3 of the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the principal Act), in sub-section (2), in clause (b), for the words "twenty weeks", the words "twenty weeks and in case of rape survivor, anytime during the pregnancy but before twenty-eight weeks" shall be substituted.

Amendment
of section 3.

Insertion of
new section 4.

3. After section 4 of the principal Act, following section shall be inserted namely:—

Constitution
of Central
Medical Board.

"4A. (1) There shall be constituted a Board to be known as the Central Medical Board which shall consist of—

(i) two Geneticists or Genetics Counsellors;

(ii) two Gynaecologists and two Obstetricians; and

(iii) two Paediatricians,

to discharge functions assigned under this Act:

Provided that at least one half of the members of the Central Medical Board shall be women.

(2) The Chairperson of the Central Medical Board shall be appointed from amongst the members of the Board.

(3) The terms and conditions of appointment of the Chairperson and members of the Central Medical Board shall be such as may be prescribed by rules made under this Act."

Amendment
of section 5.

4. In section 5 of the principal Act, in sub-section (1), the following provisos shall be inserted, namely:—

"Provided that if in the majority opinion of the Central Medical Board, continuance of pregnancy may involve a substantial risk in case the child is born with following abnormalities:—

(a) chromosomal abnormalities;

(b) genetic disorders;

(c) congenital abnormalities; or

(d) such other abnormalities or diseases as may be specified by the Board.

the pregnancy, irrespective of the length of pregnancy, shall be terminated in accordance with the provisions of section 4:

Provided further that if the pregnant women irrespective of her age is a rape survivor, the pregnancy may be terminated within twenty-eight weeks of such pregnancy in accordance with the provisions of section 4."

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions under the Medical Termination of Pregnancy Act, 1971 abortion is legal only upto twenty weeks. In case of anomalous pregnancies and also for rape survivors, there is no option but to approach the courts for terminating any pregnancy beyond this period. The courts in the past have taken a liberal view and allowed in some cases termination beyond twenty weeks as well. But the whole process may be time consuming and distressing especially in such high risk cases. To remove this discrepancy and to allow a women greater freedom, an amendment is much needed in the parent Act.

The Bill, therefore, seeks to amend the Medical Termination of Pregnancy Act, 1971 with a view to—

(a) provide for termination of pregnancy of rape survivor by registered medical practitioners within twenty-eight weeks of such pregnancy; and

(b) establish a Central Medical Board under whose supervision termination of pregnancy be made if the child to be born is with abnormalities.

Hence this Bill.

NEW DELHI;
July 2, 2019.

SANJAY JAISWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a Central Medical Board to supervise the medical termination of pregnancy of the child to be born with abnormalities. It also provides for chairperson and other members of the Central Medical Board. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore is likely to be involved per annum for the purpose of payment of allowances to the Judges of the Bench and payment of salaries to the Court servants.

A non-recurring expenditure of about rupees hundred crore may be involved for the construction of building of the Court, etc. and appointment of staff members.

ANNEXURE

[EXTRACTS FROM THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971]

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3. When pregnancies may be terminated by registered medical practitioners—

(2) Subject to the provisions of sub-section (4) a pregnancy may be terminated by a registered medical practitioner,—

(a) Where the length of the pregnancy does not exceed twelve weeks if such medical practitioner is, or

(b) Where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks, if not less than two registered medical practitioners are, of opinion, formed in good faith, that—

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities to be seriously handicapped.

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5. Sections 3 and 4 when not to apply—

(1) The provisions of section 4, and so much of the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life of the pregnant women.

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BILL

further to amend the Medical Termination of Pregnancy Act, 1971.

(Dr. Sanjay Jaiswal, M.P.)