

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH AUGUST, 2017

Bill No. XXV of 2017

THE MEDICAL TERMINATION OF PREGNANCY
(AMENDMENT) BILL, 2017

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BILL

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

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2017.

Short title,
and
commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 3.

2. In section 3 of the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the Principal Act), in sub-section (2), clause (b), for the word 'twenty', the words 'twenty four' shall be substituted. 34 of 1971.

Amendment
of section 6.

3. In section 6 of the Principal Act, in sub-section (3),—

(i) after the words "one session or in two" the words "or more" shall be inserted; 5

(ii) for the words "in which it is so laid or the session immediately following" the words "immediately following the session or the successive sessions aforesaid" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Sub-section (2) of Section 3 of the Medical Termination of Pregnancy Act, 1971, allows the abortion of terminally ill fetuses upto twenty weeks pregnancy. During the intervening period after the Act was enforced, several genuine cases have come up where the fact of fetuses with serious risk of abnormalities with grave risk to physical and mental risk to mother had been noticed after twenty weeks. As a result, many women were forced to move the Supreme Court for permission to end pregnancy beyond twenty weeks, leading to lot of mental and financial hardship to such pregnant women.

The Bill intends to extend the permissible period for abortion from twenty weeks to twenty four weeks if doctors believe the pregnancy involves a substantial risk to the mother or the child or if there are substantial fetal abnormalities. The Bill also intends to amend the provisions of sub-section (3) of section (6) relating to laying of rules before each House of Parliament and their notification etc. by the House.

DR. KANWAR DEEP SINGH

ANNEXURE

EXTRACTS FROM THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

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45 of 1860.

3. (1) Notwithstanding anything contained in the Indian Penal Code, a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act.

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 not exceed twenty weeks, if not less than two registered medical practitioner 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.

Explanation 1—Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation 2—Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.

(3)*** **

(4)*** **

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6. (1)*** **

Power to make rules.

(2)*** **

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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RAJYA SABHA

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(Dr. Kanwar Deep Singh, M.P.)