



Abortion Law



ABORTION LAW

Abortion is the deliberate termination of a pregnancy, typically performed during the first 28 weeks of gestation.



Abortion Law in India

■ Indian Penal Code (IPC), 1860 (Section 312)

- ⌚ **Criminalized:** Voluntarily abortion
- ⌚ **Exception:** To save mother's life
- ⌚ **Punishment:** Imprisonment or fines or both

■ The Medical Termination of Pregnancy Act (MTP), 1971

- ⌚ **Based on:** Shantilal Shah Committee, 1964
- ⌚ **Ground for Legalised Abortion:**
 - ⌚ Marital rape
 - ⌚ Safeguarding women's physical & mental health
 - ⌚ Reduce maternal mortality
 - ⌚ Children with physical or mental abnormalities
 - ⌚ Pregnancies from rape or contraceptive failure

■ The MTP Amendment Act, 2021

- ⌚ Allowed abortion irrespective of marital status
- ⌚ **Eligibility Criteria for Legal Abortion:**
 - ⌚ Survivors of sexual assault, rape, incest or minors
 - ⌚ Change of marital status during pregnancy (widowhood & divorce)
 - ⌚ Women with physical or mental disabilities (as per Rights of Persons with Disabilities Act, 2016)
 - ⌚ Foetal malformation or risk abnormalities in child
 - ⌚ Pregnant women in disasters/ emergencies

■ Justice K.S. Puttaswamy (Retd.) vs. the Union of India Case, 2017

- ⌚ The Supreme Court recognized reproductive choices of women as **part of personal liberty under Article 21.**

Time Since Conception	MTP Act, 1971	MTP (Amendment) Act, 2021
Up to 12 weeks	On the advice of one doctor	On advice of one doctor
12 to 20 weeks	On advice of two doctors	On advice of one doctor
20 to 24 weeks	Not allowed	On advice of two doctors for special categories of pregnant women
More than 24 weeks	Not allowed	On advice of medical board in case of substantial fetal abnormality
Any time during the pregnancy	On advice of one doctor, if immediately necessary to save pregnant woman's life	On advice of one doctor, if immediately necessary to save pregnant woman's life

Abortion in Other Countries

■ Countries Criminalized Abortion

- ⌚ **Total Ban:** Andorra, Malta & the Vatican State
- ⌚ **Ban with Certain Exceptions:** Poland, Brazil, Chile and Argentina

■ Countries Legalized Abortion

- ⌚ **France** is only country to **guarantee voluntarily abortion as constitutional right**

⌚ Ireland:

- ⌚ **Condition:** Within 12 weeks of pregnancy
- ⌚ **Punishment:** 14 years of imprisonment

⌚ New Zealand:

- ⌚ **Condition:**
 - ⌚ Within 20 weeks of pregnancy (if life at risk)
 - ⌚ Approval of two doctors mandatory



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