

Module 2

Assignment 3

Write a reflective piece in 300-500 words on the points of contention within different acts (MTP Act, POCSO Act, PCPNDT Act).

POCSO act- Protection Of Children from Sexual Offences Act was created to prevent children from sexual offences. With its implementation in 2012, it brought prosecution of the offenders. The POCSO act covered the loopholes of existing laws that were made for the protection of children. The act brings a speedy trial for any immodesty against children. Although the POCSO act is a good step of governance for providing justice to the victims it does not count the sexual agency of adolescents and criminalizes the consensual sexual activity between two minors. If any pregnancy case under age 18 comes to the medical practitioner, they have to report about it, and it negatively affects the sexual agency of adolescents. Moreover, the pregnant person does not have any say in this case. These acts make health services like testing of HIV and abortion more difficult and they can opt for unsafe abortion which can have further life-long health implications.

Similarly, PCPNDTA which is Pre-conception and Pre-natal Diagnostic Technique Act was implemented in 1994 for the correction of skewed sex ratio. Any clinic or service engaged in any form of prenatal diagnostic techniques with the potential of conducting sex determination, either before or after conception, comes under this act and such techniques are prohibited. Considering this view, the PCPNDT act also prevents people from checking the foetus for any genetic, chromosomal anomalies. The basic rationale behind this is to prevent any practice which can reveal the sex of the foetus.

PCPNDTA is indirectly linked to abortion as many medical practitioners believe that the sex of the baby could be the reason for abortion. So, an act made for a good cause is somehow inhibiting the people's right to health as sometimes it can lead to forced pregnancy, the reason being inaccessible abortion services.

Conclusion- Any law/act made by the policymakers shall be made keeping the rights-based approach in mind. The laws shall be made while keeping the vision of diversity. These laws can not be top-down. They have to be thought of making a bottom-up approach and keeping the interests of all stakeholders at different levels. Also, had there been proper monitoring and evaluation of these acts we could have covered the cons of these acts timely.

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