

1. The MTP Act was the first attempt to legislate Abortion in India. True or False?

True. Earlier legislation under IPC criminalised abortion.

2. On what basis did the IPC of 1862 criminalise abortion?

IPC of 1862 criminalised abortion on the principle that life - which is sacred - extended to foetus as well, and must be protected. Hence, a foetus cannot be terminated unless it is absolutely essential to save the pregnant person's life.

3. Who was liable to be punished for abortions under the IPC of 1862?

Any person who caused a miscarriage to a pregnant person (both voluntary and involuntary); any pregnant person who consented to undergo abortion; any person who caused the death of a pregnant person while intending to abort.

4. What were the implications of the IPC 1862 on the rights of pregnant persons?

The right of the pregnant person to choose, and their right to prioritize their own health and agency was completely dismissed in this context. They had very little rights over their own bodies.

5. What was the motivation behind creating a more liberal abortion law in India?

IPC of 1862 led to pregnant people seeking unsafe abortions in order to avoid punishment, which resulted in high rates of abortion and maternal death rates. Moreover, abortion and contraception were being increasingly recognised as tools of "population control" as well. These factors acted as motivations behind creating more liberal abortion laws.

6. What were some of the concerns expressed by members of parliament when the MTP Act was first introduced in 1971?

That the MTP Act is purely an economic move to challenge population growth, it will destroy our culture and the moral fibre of the nation, and is insufficient in providing pregnant people the right to terminate without constraints were some of the concerns expressed.

7. Discuss the implications of the MTP Act on the rights of pregnant persons.

The MTP Act allows for abortions, albeit with conditions. The pregnant person has the right to terminate the pregnancy and seek healthcare and medical assistance for the same, without fear of punishment. This allows them bodily autonomy, and the right to choose what they think is the best course of action for themselves.

8. What was the rationale behind amending the MTP Act in 2002?

The 2002 MTP amendment was concerned with reducing bureaucratic hurdles in the form of red tape surrounding the granting of certifications and licenses to private practitioners to provide safe abortion services, raising the severity of punishments, and reworking semantics to make the vocabulary more sensitive.

9. Mention some of the gaps in the MTP Act.

Some of the gaps in the MTP Act are - the Act doesn't prioritize the rights of the pregnant person; access to pills in cases of medical abortion is severely restricted as they can only be prescribed by gynaecologists in registered healthcare facilities; there are some semantic shortcomings as well; there is an emphasis on hetero-normative patriarchal notions of family as the reproductive unit; and the trauma and wholesome well-being of survivors of abuse is neglected as it isn't addressed in this discourse at all.

10. How can the MTP Act be improved?

The MTP act can be improved by addressing the aforementioned shortcomings. Individuals who come in for abortions must not be surveilled, and these spaces should be made accessible and safe for marginalized bodies. Any increase in the gestational period should be for everyone, as safe abortions at any point should be the right of the pregnant person. Many more discussions need to be opened up about the kind of vocabulary that surrounds this act, and how the Act can truly be representative of the inclusive and progressive move it seeks to represent. More options should be made available for areas with accessibility issues.