

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

True. Although the idea for a more liberalised abortion law was first suggested by the Central Planning Board (Indian Government) in 1964, the ideas concretized with the MTP Act.

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

The IPC considered life, the foetus, to be sacred. Induced miscarriage, unless done to save the pregnant person's life was considered a serious punishable offence against the human body.

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

According to Section 312 of the IPC, voluntary miscarriage caused to a pregnant person by another person could result in 3 years of imprisonment and/ or a fine. This crime was non-bailable, non- cognizable and non-compoundable. Moreover, the pregnant person who voluntarily underwent an abortion could be imprisoned for up to 7 years and/or fined.

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

The following Sections of the IPC until Section 316 cover:

- instances where a miscarriage was induced without the consent of the pregnant person. The person responsible for such an act would be imprisoned for several years or even a lifetime, and also fined.
- Provisions to penalise any act that caused the death of a foetus or a child after birth, typically victimizing inducers who even killed the pregnant person or did not seek his/her consent prior to abortion.
- It is implied that for the first time, the agency and consent of the pregnant person is being considered in special cases.

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

Under the aim of family planning measures the government sought for “population control” policies. Thereby, abortion and contraception were promoted. A need for a more liberal law was rising due to the alarming increase in abortions and maternal death rates. At this juncture, the committee endeavoured to legalise abortion so as to ensure safe and secure lives for mothers and pregnant persons.

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

Some of the primary concerns included the fact that the MTP Act:

- Undermines the nation's social fibre, religious and social norms and may lead to societal degradation.
- Cannot provide unconditional freedom to seek termination of pregnancy.
- That Birth control is to be attained through self control,
- Was introduced for Economic gains and as a means for population control.

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

The MTP Act made a great effort to stand as the advocate and the voice for the plight of the pregnant. The Act introduced longer legal terms (12 week) to seek abortion, and made provisions for safeguarding the agency and authority of the pregnant persons. Although in most cases an approval from a medical expert would be required, in exceptional and urgent situations, there was room for negotiation in the favour of the pregnant person. The case of the minor pregnant persons was also considered with the scope of consent from a guardian/parent. Though much agency was seemingly bestowed upon the pregnant, it was still concentrated along vaguely defined parameters.

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

The MTP ACT was in many ways not profitable or accomodating of private institutions seeking approval for abortion facilities. It was crucial hence for the amendment to decentralise the process and provide easy approval to private abortion facilities.

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

- The act is not exactly rights based. It overlooks the needs of the pregnant person. It is instead centred around the provider's efficiency and not the autonomy of the pregnant person.
- Accessibility and allowances are away from the ground realities wherein rural uneducated populations find it hard to access abortion facilities or medications.
- There is no statement that accounts for the trauma and the experiences of the survivor. There exists no consideration for the mental health of the actors.
- It is exclusionary in the sense that it always considers a couple involved in all cases.

10.How can the MTP Act be **improved**?

The MTP Act is exemplary in its initial endeavour and impact. Nevertheless, our society is fast changing and so are the concepts of rights and freedom, especially for the individual. In this regard, it is important to strike a balance between the individual and the familial stakes involved. India hosts a wide array of individuals who hail from strikingly different backgrounds. It is important to make the laws inclusive as well as dynamic and not exclusionary.