

## LESSON 2- ASSIGNMENT

1. False.
2. The Indian Penal code 1862, which has its origins and roots in the British Offences Against the Person Act of 1861, criminalized abortion. During 1862, life was considered as sacred which got extended to fetus as well. Any form of induced miscarriage, unless done to save the pregnant person's life was considered a serious offence and was punishable.
3. Under the IPC of 1862, section 312 penalizes the person who causes voluntary miscarriage of a pregnant person is punished and also the pregnant person who agrees to the voluntary miscarriage is punished under the Act. The various sections of the IPC also punish the person who induced a miscarriage of the pregnant person without the consent of the pregnant person. The IPC also punish the person who kills a pregnant woman in the process of voluntary miscarriage. Overall, the IPC criminalizes any act that causes death to the fetus or the child after birth.
4. Rights of pregnant persons doesn't come under the IPC of 1862.
5. "Population Control"
6. Some concerns were-
  - The MTP undermines the moral fiber so necessary for nation building.
  - Legalizing abortion is wrong in moral and religious grounds.
  - MTP Act should be stops to avoid degradation of society.
  - This act will cause disruption of society leading to more corruption and sex crimes, eroding the sanctity of life.
7. Pregnancies up to 20 weeks can be terminated under the MTP Act, which was in effect until the MTP Amendment 2020 Bill was enacted in March 2021. Pregnancies longer than 12 weeks require the agreement of two medical practitioners. Any abortion technique must be performed by an allopathic medical practitioner who is competent and trained. Furthermore, only a medical professional may prescribe the tablets. Termination may be sought on the grounds that the pregnancy is endangering the pregnant woman's bodily or mental health now or in the near future. The Act also authorizes abortion if the pregnancy is the consequence of rape, a sex offence, or if the woman is suffering from a mental illness. The agreement of the pregnant person's guardian or parent, in writing, is necessary if the pregnant person is under the age of 18, or if they are mentally handicapped. Only the adult's permission and agreement, not that of their partner, are necessary if the individual is an adult. Though the MTP act was enacted on economic grounds, it has been able to look into the rights of women by providing the above provisions.
8. The MTP Act was amended in 2002, and the procedure of approving a private location to provide abortion services was delegated to the district level. To extend the number of providers delivering CAC services within the legal scope, the district level committee has the authority to allow a private location to offer MTP services. The words' mentally sick

individual' was replaced for the word 'lunatic.' This modification in terminology was made to emphasize that a "mentally ill individual" is someone who requires care for a mental illness other than mental retardation.

9. The purpose of the Act was to protect medical service providers, not to safeguard the rights of pregnant women. As a result, it fails to consider the autonomy of the pregnant woman. As a result, their right to choose is harmed. The present abortion framework reflects society's heteronormative and patriarchal understanding of family planning as a tool of population control, rather than recognizing the freedom to choose of the pregnant person. Another area where there is a gap is in the area of medical abortion. Only a gynecologist may prescribe the tablets, and they are only intended to be offered through licensed medical institutions. It may appear to be a minor clause, yet it has far-reaching consequences. In remote locations, pregnant women may have difficulty finding gynecologists and facilities.