

Assignment 4- Interlink of the MTP Act with the POCSO and PCPNDT Acts

Write a reflective piece in 100-200 words on the points of contention within different acts (MTP Act, POCSO Act, and PCPNDT Act).

Medical Termination of Pregnancy (MTP) Act

The MTP Act though allows termination of pregnancy, even up to 24 weeks in certain cases, does not take into consideration the right of choice of the pregnant person. Instead it relies on the judgement of medical practitioners and/or a medical board. It is not a user-centric act.

The act mentions pregnant woman and not pregnant person thus excluding a wide range of individuals who also can get pregnant and might want to seek an abortion.

The current structure of the law addresses abortion as a means of population control rather than respecting the pregnant person's right to choose.

Protection of Children from Sexual Offences (POCSO Act)

POCSO Act seeks to protect children from sexual abuse but fails to recognize the sexual agency of anyone below the age of 18.

It makes mandatory reporting of sexual encounters by minors and thus making the delivery of sexual reproductive health services ,by service providers, like HIV testing or abortion very difficult. It results in minors hiding their condition and seeking unsafe measures to address their health situations.

Coupled with the guardians' consent clause of the MTP Act, the mandatory reporting clause of POCSO Act worsens the stigma around sexuality of minors. It also leads to confusion, delays and resulting into many unsafe abortions.

Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act

The act regulates and restricts the usage of techniques to detect genetic anomalies, metabolic disorders, chromosomal anomalies, specific congenital malformations and sex-linked disorders. Thus making it difficult to seek abortion services if the foetus has any of the aforementioned conditions. The practitioners are even more apprehensive of the legal ramifications if the foetus is a female.