

MTP and PCPNDT

Unpacking the Nuances



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Abortion and sex selection: the overlap

- Sex selection is often linked with abortion creating a misconception that abortion is illegal.
- Laws to address the two issues are different
 - PCPNDT Act– to prevent sex selection
 - MTP Act – to prevent unsafe abortion.
- MTP Act legalizes abortion under certain conditions to prevent unsafe abortions.
PCPNDT Act aims to prevent sex selection

Sex selection and PCPNDT Act

- Sex selection is about discrimination- Discrimination is unlawful.
- Sex selection is a result of subordination of women.
- **PCPNDT Act** aims to prevent misuse of pre natal diagnostic techniques to determine sex of foetus.
 - Prohibit the sex selection before or after conception
 - Regulates pre-natal diagnostic techniques for detecting genetic abnormalities or metabolic disorder or chromosomal abnormalities or sex linked disorders
 - Prevent misuse of sex determination techniques for determining sex of foetus

Abortion and MTP Act

- Abortion is not about discrimination.
- Not providing women access to safe and legal abortion deepens discrimination and subordination of women.
- **MTP Act** To prevent maternal morbidity and mortality associated with unsafe abortion
 - Abortion is legal under certain conditions (Grave risk to life of pregnant woman; risk of physical and mental injury, including pregnancy due to rape; risk of physical and mental abnormality in child and contraceptive failure)
 - Abortion legal upto 20 weeks.
 - Pregnancy can be terminated at a Government or private registered facility
 - Pregnancy can be terminated by a medical practitioner registered with State medical register

Abortion and sex selection: the overlap

- Abortion by itself is not discriminatory
- Only a small percentage (9%) of abortions are sex selective. Therefore curb on abortion will not be effective in preventing sex selection
- Abortion is not the cause of the problem, discrimination is
- Discrimination is unlawful (PCPNDT), Abortion is lawful (MTP)
- Access to safe abortion important as a large number of maternal deaths occur due to unsafe abortion

Therefore

Practice of (sex) selection is the problem

Abortion is only the consequence not the cause

Why safeguard women's right to abortion

- In India a large percentage of abortions are unsafe. Conducted by unregistered, untrained providers under unsafe conditions. (56% of 6.4 million abortions in India are conducted in unsafe conditions.)
- With the result, 8% maternal mortality occurs due to unsafe abortion * (10 women die due to abortion complications each day.)
- Abortion complications - third major cause of maternal mortality after hemorrhage and sepsis *

Even then, abortion is informally curbed to stop sex selection

- *2001-03 Special Survey of Death, Registrar General, India*

How communication on sex selection can compromise women's access to abortion

- Communication on sex selection generally uses the fear and guilt angle to communicate the heinous nature and consequence of the practice and the urgency to address it.
- Such communication confuses sex selection with abortion and creates a misconception that abortion is illegal.
- Use of terminologies like foeticide, bhrun hatya, etc further add to this confusion
- Communication to address sex selection, should not compromise on women's access to safe and legal abortion

How incorrect communication is impacting women's access to safe abortion

Studies have shown that in order to curb sex selection access to abortion is being limited by:

- Restricting access to medical abortion
- Pregnancy tracking to ensure pregnant women don't undergo abortion.
- Suggestions that contraceptive failure should not be included as a condition for second trimester abortion.
- Some areas - blanket ban on abortions - Doctors insist on special permission of government or provide abortion services only if followed by sterilization.
- Doctors refusing second trimester abortions.

Maintaining balance in communication

Avoid language and imagery that takes away women's right to safe abortion

- **Language-** Use terminology that does not jeopardize abortion. Refrain from use of words such as foeticide, killing, murder, genocide.
- **Imagery-** Use imagery that does not imply murder, illegality of MTP, or personify an unborn fetus. Avoid imagery like fetus in a bottle, dagger piercing the womb, crushing the fetus.
- **Positioning-** Communication does not imply sex selection and abortion as violence against fetus and does not refer to sex selection as being about right to life and right to be born. **It is about women's right to live a life free of discrimination.**



- [Save the Girl Child - Directed by Jagmeet Bal
bad communication.mp4](#)