

and policies are on the rise by the ruling class across the globe. The immigrants, especially labourers, are the victims of the exploitation and mass violence that is being escalated by the ruling class for their political gains.

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NEW DELHI

Termination of Pregnancy

As advocates of women's health rights, we note with anguish, the discussion of a bench of the Supreme Court while hearing the matter of a pregnant woman seeking permission for termination of her pregnancy in the 25th week.

The petitioner is a survivor of domestic violence and was seeking termination of her pregnancy because she intended to get a divorce from her husband, and felt she was unable to raise a child at this time. She had previously approached the Bombay High Court, which rejected her plea on grounds that the pregnancy was beyond the permissible time limit of 20 weeks as per the law. She sought relief from the Supreme Court, which, while rejecting her plea despite her circumstances, opined that abortion was tantamount to "killing the baby." The Supreme Court judges were further reported to have remarked that the unborn child should have been represented in the Court instead of the mother, and that the mother "should be made to hear the child's heartbeat." These remarks coming from senior members of the judiciary are particularly unwarranted, as the Medical Termination of Pregnancy (MTP) Act, 1971 recognises the termination of pregnancy as a medical procedure.

The MTP Act permits abortion up till 20 weeks, and beyond this only if the life of the woman is in grave danger. Over the past few years, there have been consistent demands by health professionals and women's rights activists to advance this limit to 24 weeks. Women seeking late abortions are often the most vulnerable as they face significant obstacles in reaching an abortion facility in time. In the present case too, it has been reported that the petitioner being in a violent relationship was unable to negotiate contraceptive use. She was suffering from

epilepsy and was, therefore, unable to use oral contraceptives. Further, she had learnt of the pregnancy at 17 weeks (well within the legally permissible limit), but was prevented by her husband from seeking termination of pregnancy at that time, and it was only when she returned to her maternal home that she was able to eventually seek care.

Several women in similar challenging circumstances, seeking termination of pregnancy beyond the 20th week, have been approaching the Supreme Court and high courts consistently, and in the last one and a half years, the Supreme Court heard nearly 20 cases seeking permission and permitted termination of pregnancy beyond 20 weeks in 15 such cases. In the present instance, the judges, instead of recognising the extreme circumstances under which the woman approached the Court and the physical and mental trauma she is facing, adopted a stand that seemed to reflect their bias rather than the law. We believe that the opinion expressed by the judges could be construed as a harsh rebuke and humiliation to her.

We are concerned that remarks made by the Supreme Court judges in an open court, without substantiating it in its ruling, are in complete contradiction to the fundamental right to bodily integrity of a woman. We appeal to the judges to refrain from making remarks that would contribute to jeopardising the hard-earned rights of women that are reflected in the Constitution and other relevant laws. It is important to recall that unsafe abortion is the third leading cause of maternal deaths in India and the issue is already shrouded in silence. Remarks such as these only serve to stigmatise it further.

In the past one and a half years, there have been nearly 100 cases which were filed in various high courts by women and minor girls even at the gestational age of eight weeks and 12 weeks. The impression that this creates is that now for a

termination of pregnancy unless a court order exists, termination cannot be conducted and if courts are approached, the decision would be on personal moralistic grounds and not as per law. Further, women lose precious weeks in the process of seeking relief from courts. Section 5 of the MTP Act is an exception to the other provisions of the act and provides that a single registered medical practitioner can terminate the pregnancy of a woman at any stage where in their opinion it is necessary to save the life of the woman. Through judgments of the Supreme Court and the high courts, this has been interpreted to include the conditions laid down in Section 3. This means that where the pregnancy is as a result of rape, contraceptive failure, or the child has substantial risk of being born with a disability, then, irrespective of the pregnancy's term, if the doctor opines that termination is necessary to save the mother's life, the same is permitted. What would help women in these circumstances is that a decision on the interpretation of the law in their favour so that they are no longer required to approach courts repeatedly.

Coalition for Maternal-Neonatal Health and Safe Abortion (Common Health)

Forum to Engage Men (FEM)

Healthwatch Forum, Uttar Pradesh

Karnataka Janaarogya Chaluvalli, Karnataka

Maternal Health Rights Campaign,

Madhya Pradesh

National alliance for Maternal Health and Human Rights (NAMHHR)

Erratum

In the article "De-feminisation of Agricultural Wage Labour in Jalpaiguri, West Bengal" by Loes Schenk-Sandbergen (*EPW*, 23 June 2018), the first line in the section "25 Years Later: Some Impressions" should have read as

What struck me during the first field visit to village Velkujote in 2015, was that "feminisation of agriculture" was not an issue.

The error has been corrected on the website.

The error is regretted. —Ed

EPW Engage

The following articles have been published in the past week in the *EPW Engage* section (www.epw.in/engage).

- (1) What Is Wrong with India's Trafficking Bill 2018: An Introduction—*Prabha Kotiswaran*
- (2) India's 'Anti-trafficking' Bill Ignores Socio-economic Realities of Trafficked Persons—*Bandana Pattanaik, Leah Sullivan*
- (3) Will Trafficking Bill 2018 Harm Bonded Labourers?—*Kiran Kamal Prasad*