

Health Minister, Ensure My Reproductive Rights

March 8, 2019: New Delhi | Prominent members of the [Pratigya Campaign for Gender Equality and Safe Abortion](#), met with **Ms Vandana Gurnani, Joint Secretary- RCH, Ministry of Health and Family Welfare (MoHFW)** today to submit a [petition](#), which has been signed by **17, 341 individuals** across the globe (**of which 14,000 are from India**). **The petition addressed to Shri J.P. Nadda, Minister of Health and Family Welfare, Government of India seeks urgent policy clarification and action to address the serious barrier currently faced by women in exercising their reproductive rights in the country.**

A delegation comprising of prominent civil society groups- [Centre for Reproductive Rights](#), [Foundation for Reproductive Health Services India](#) and [Global Health Strategies](#), representing [Pratigya](#) met with **Ms Vandana Gurnani** and emphasized upon the immediate need to clarify that the Medical Termination of Pregnancy (MTP) Act, **does not require judicial authorization for abortion** and issue human rights-based guidance for medical providers in determining whether a woman qualifies for an abortion under the MTP Act.

The delegation highlighted that these actions are essential to uphold women's reproductive rights and place decision-making about their health and bodies back in the hands of women and girls in discussion with their own healthcare providers.

“Over the past few years a large number of women have been approaching the courts to seek approval for an abortion, even though the Section 5 of the MTP Act allows a doctor to terminate a pregnancy at any gestation, to save the life of a woman. Many women and girls have been forced to go to courts even when the gestation is less than 20 weeks. This trend is worrying because it is creating an impression that there is a need for judicial authorization for abortions,” said Mr. VS Chandrashekar, CEO, [Foundation for Reproductive Health Services, India](#).

Specifically the petition asks for policy clarification that

- a.** Issue a circular clarifying that the August 2017 circular on the establishment of medical boards does not create a requirement of judicial authorizations for MTP at any stage; and
- b.** Introduce guidelines that establish a human rights-based procedural framework for medical providers in giving medical opinions as required under the MTP Act at all stages of pregnancy that is (1) time sensitive and (2) women-centric, including clarifying the importance of

considering women’s and girls’ own perceptions of risk to their physical or mental health or lives from continuation of pregnancy.

“Every woman must be ensured the autonomy to make decisions about her own body and her sexual and reproductive health, which is essential to her being an empowered and equal citizen. Through this petition, we join over 17,000 women in India and their supporters in calling for an end to third party authorization requirements for abortion and clear introduction of guidelines that establish human rights-based procedural framework for medical providers in giving medical opinions as required by the Act,” expressed, **Payal Shah, Regional Director (Acting), Asia Programme, Centre for Reproductive Rights.**

The Ministry reiterated its commitment towards improving rights and health of women and said, “Let us work together in building the confidence of the provider. There is a need for more advocacy, confidence building and sensitization at all levels.”

Issuing a clarification would be a proactive step towards realising the government’s agenda to achieve equality, and send a strong message globally of its dedication towards protecting women’s health and rights.

.....**end of release**.....



is a network of individuals and organizations that have been working at the national and state level on issues of women’s empowerment and enabling women’s access to healthcare services. Pratigya focuses upon finding common ground that simultaneously addresses the serious issue of gender biased sex selection while protecting women’s rights. For more information please visit www.pratigyacampaign.org. The list of all partner organisations of Pratigya can be [accessed here](#).

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Enclosed:

- **Petition**
- **Photo Release: In picture: Petition submitted**



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International Women's Day 2019
Petition to Health Minister of India:
Ensure My Reproductive Rights

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March 8, 2019

Shri Jagat Prakash Nadda,
Honorable Union Minister
Ministry of Health and Family Welfare
Cabinet Minister's Office, room No 348 A, Wing-A
Nirman Bhawan
New Delhi-110011

Dear Shri Jagat Prakash Nadda,

With your government's commitment to women's empowerment in India, we write with an urgent request for policy clarification and action to address a serious barrier currently faced by women in exercising their reproductive rights.

Since 2016, there have been at least 80 cases where women and girls have had to seek permission from the courts to access abortion. With each court case, there is a growing misconception that judicial permission is needed for abortion—even though no such requirement exists under the Medical Termination of Pregnancy Act, 1971 (MTP Act). We request your good offices to take immediate action to clarify that the law does not require judicial authorization, and issue human rights-based guidance for medical providers in determining whether a woman qualifies for an MTP. These actions are essential to uphold women's reproductive rights and place decision-making about their health and bodies back in the hands of women and girls in discussion with their own healthcare providers.

The MTP Act allows abortion until 20 weeks on several grounds, but after this point only where necessary to save a pregnant woman's life under Section 5. As the Center for Reproductive Rights has [documented](#), the majority of legal petitions for MTP are from women or girls—often facing health risks from pregnancies—who were denied MTPs at health facilities because they are beyond 20 weeks of pregnancy. The judiciary has permitted MTP in some cases of health risks after 20 weeks. However, they have not issued any guidance clarifying when MTP is allowed after this point, and instead largely deferred to the opinion of court-appointed medical boards.