

## Medical Termination of Pregnancy and Issues Associated with it

\* *Mary Joseph, Lizy James*

### Introduction

In chapter 19, you studied about the Indian family in transition. In chapter 20, you were introduced to the concept of family planning policies and in chapter 21, you learnt about methods of family planning to avoid unwanted pregnancies. In the chapter we shall discuss about the different types and methods of abortion, the legal aspects surrounding termination of pregnancy, the pros and cons of abortion and the measures to prevent unwanted pregnancies.

### Abortion – Definition and Types

Abortion is made up of two Latin words – *ab-* meaning off or away *oriri* meaning to be born; abortion means taking away a human life which would in the normal course of events be born.

Abortion has two meanings – medically it can describe a case of miscarriage, without any outside intervention, occurring within the first three months of pregnancy. Abortions legalized by the Act on the other hand, are those deliberately procured with the intention of terminating the pregnancy, killing the unborn child.

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\* *Dr. Mary Joseph, Rajagiri College of Social Sciences, Kalamassery*  
*Dr. Lizy James, Vimla College, Trichur*

The terms abortion and miscarriage are sometimes used as synonyms. They are also used to describe the same happening at an earlier and at a later stage of pregnancy. Abortion is restricted so as to describe the case occurring in the first three months of pregnancy and miscarriage to describe one during pregnancy from the beginning of the fourth month, until the foetus becomes viable.

### **Types of Abortion**

- 1) **Spontaneous Abortion** (Miscarriage) occurring naturally without any deliberate attempt on the part of pregnant women or other persons.
- 2) **Indirect Abortion:** This is an abortion which occurs as a side effect of treatment given to the mother for some diseases or haemorrhage which is endangering her life. The purpose is not to take away the child's life. It occurs as the result of the therapeutic measures taken to save the mother.
- 3) **Artificial or Induced Abortion** is taking away of life for the main purpose of removing the foetus or child. Induced abortion is the result of deliberate attempt on the part of the pregnant women or others with the intention of terminating pregnancy.

### **Methods of Procuring an Abortion**

There are many ways of aborting an unwanted foetus. The method chosen depends mainly on the duration of pregnancy to be interrupted as in the first or second trimester (3 months).

#### **First Trimester**

In the first trimester (upto 12 weeks) of pregnancy, two broad methods are used.

**1) Medical**

One single dose of Mifeprestone pills administered within 40 days of menstrual period, (within 10 days after missed period).

**2) Surgical**

- i) Menstrual Regulation using MR Syringe (upto six weeks of pregnancy)
- ii) Suction: The most frequently used method of abortion is suction, also called Vacuum aspiration. It is used when the women is less than 3 months pregnant. This technique involves sucking out the contents of the uterus through a tube inserted into the uterus through the cervix. This operation can be performed while the women is awake, in five to ten minutes, with little blood loss and a low risk of complications.
- iii) Tent Evacuation with Laminaria Tent (slow dilatation is achieved and evacuation is done later).
- iv) Dilatation and Curettage (D&C): This procedure involves increasing the size of the cervical canal by inserting a series of gradually – widening metal dilators. When the opening is wide enough the physician uses a curette (small metal surgical instrument) to scrape the embryo and placenta from the walls of the uterus. Since the D and C operation takes longer and is more complicated than the suction method, the women is put to sleep.

**Second Trimester**

In the second trimester of pregnancy, only very few methods are usually adopted.

- i) **Intra Uterine Saline Instillation:** After twelve weeks, the foetus is large enough to be removed

safely by the suction or D&C methods. Pregnancies after this period are removed by inserting a long needle abdominal and uterine walls into the cavity of the uterus. A concentrated salt solution is inserted into the amniotic sac destroyed, the uterus will contract until the foetus is pushed out into the vagina. Because saline abortion is a major surgical procedure, earlier termination of pregnancy by the suction method or D&C is being recommended by the physicians.

- ii) **Hysterectomy:** This is used in the later stages of pregnancy when the foetus is too large. The mother is given a general anaesthetic and the uterus is cut open and the foetus is removed. This is usually performed in cases where foetal abnormalities are detected and when all the other methods have failed.

Two other methods of abortion are intra cervical prostaglandin E<sub>2</sub>, administration and oxytocin induction.

### **Liberalisation of Abortion Leading to Legalisation**

Prior to 1950s in many countries, laws governing abortions were very restrictive; ie abortions were totally prohibited or permitted strictly on medical grounds. But laws could not prevent illegal abortions which were done mostly by non-medical persons and in unhygienic conditions.

### **Consequences of Illegal Abortion**

Illegal abortions frequently led to complications such as perforations of the uterus, hemorrhage and infection requiring gynaecological care and hospitalization. In countries such as Venezuela, Nigeria, Chile and a few other countries sepsis due to illegal abortion was the leading cause of maternal deaths. Illegal and

incomplete abortion was a major strain on medical resources. It is also reported that in countries with restrictive abortion laws, the poor were made to suffer more than the affluent, the better educated and the urban elite. The poor, with no resources to obtain safe but expensive abortions and with little contacts or knowledge about the places where such services were available, were often driven into the hands of unqualified abortionists which resulted in severe complications and deaths. Such loss of lives, impairment to mother's health and wastage of medical infrastructure as well as compassion for the poor led to the demand in several countries for liberal abortion laws.

### **Attempts to Legalize Abortion**

The Soviet Union was the first country to legalize abortion. In 1920, Lenin's government enabled women in first trimester pregnancy (less than 12 weeks of pregnancy) to obtain abortion on request. Thereafter many countries introduced liberal clauses in their abortion laws from 1930 onwards. Presently, the laws on abortion vary from abortion on request at one extreme to total prohibition on the other. The four largest countries which have liberalized abortion laws for medical termination of pregnancy are China, India, USA and Soviet Union.

### **Medical Termination of Pregnancy Act, 1971 (MTP)**

In India, prior to 1972, abortion was illegal except to save the life of pregnant women. In 1964, a committee under the Chairmanship of Shantilal Shah was constituted to study the question of liberalizing abortion laws. Based on the report submitted by this committee in 1966, the Medical Termination of Pregnancy (MTP) Act was passed by the Parliament in 1971 and came in to force all over the country in April 1, 1972 (except in

Jammu & Kashmir where it came into effect from November 1, 1976). This act is one of the most liberal in the world and has replaced one of the most rigid laws section 312 of Penal Code, 1860 and the Code of Criminal Procedure 1898.

The Medical Termination of Pregnancy Act 1971 lays down three norms for terminating a pregnancy.

a) **The conditions under which a pregnancy can be terminated under the MTP Act 1971**

There are 5 conditions that have been identified in the Act.

- 1) Medical – where continuation of the pregnancy might endanger the mother’s life or cause grave injury to her physical or mental health.
- 2) Eugenic – where there is substantial risk of the child being born with serious handicaps due to physical or mental abnormalities.
- 3) Humanitarian – where pregnancy is the result of rape.
- 4) Socio-economic— where actual or reasonably foreseeable environments (whether social or economic) could lead to risk of injury to the health of the mother.
- 5) Failure of contraceptive devices – the anguish caused by an unwanted pregnancy resulting from a failure of any contraceptive device or method can be presumed to constitute a grave mental injury to the mental health of the mother. This condition is a unique feature of the Indian Law virtually allows abortion on request, in view of the difficulty of providing that a pregnancy was not caused by failure of contraception.

The written consent of the guardian is necessary before performing abortion in women under 18 years of age, and in lunatics even if they are older than 18 years.

**b) The person or persons who can perform abortion**

The Act provides safeguards to the mother by authorizing only a registered medical practitioner having experience in gynaecology and obstetrics to perform an abortion where the length of pregnancy does not exceed 12 weeks. However, where the pregnancy exceeds 12 weeks and is not more than 20 weeks the opinion of two registered medical practitioners is necessary to terminate the pregnancy.

**c) Where abortion can be done**

The Act stipulates that no termination of pregnancy shall be made at any place other than a hospital established or maintained by the Government or a place approved for the purpose of this Act by Government.

Abortion services are provided in hospitals in strict confidence. The name of the abortion seeker is kept confidential, since abortion has been treated as a statutory personal matter.

**MTP Rules (1975)**

Rules and Regulations framed initially were altered in October 1975 to eliminate time-consuming procedures involved in MTP and to make services more readily available. These changes have occurred in three administrative areas.

**1) Approval by Board**

Under the new rules, the Chief Medical Officer of the District is empowered to certify that a doctor has the necessary training in gynaecology and obstetrics to do abortions. The procedure of doctors applying to Certification Boards was removed.

## **2) Qualification required to do Abortion**

The new rules allow for registered medical practitioners to qualify through on the spot training. The doctor may also qualify to do MTPs under the new rules if he/she has one or more of the following qualifications which are similar to the old rules:

- a) 6 months housemanship in obstetrics and gynaecology.
- b) a post-graduate qualification in OBG
- c) 3 years of practice in OBG for those doctors registered before the 1971 MTP Act was passed.
- d) 1 year of practice in OBG for those doctors registered on or after the date of commencement of the Act.

## **3) The Place where Abortion is Performed**

Under the new rules, non-governmental institutions may also take up abortions provided they obtain a license from the Chief Medical Officer of the district, thus eliminating the requirement of private clinics obtaining a Board License.

### **Limitations of the Act**

- 1) The provisions for abortion under the Act such as pregnancy caused by rape, failure of a contraceptive etc. need not necessarily constitute grave injury to her mental health.
- 2) Extending the period of pregnancy from 12 weeks to 20 weeks of pregnancy in certain situations gives more scope for abortion takers.
- 3) The value of human life is challenged
- 4) No consideration is given to the right of the foetus.

The New Act is indeed a liberal piece of legislation compared to the Old Act of 1860. The Act has been mainly adopted to eradicate a large number of criminal and clandestine abortions, which caused considerably mortality and morbidity among pregnant women. However, the utility of the new act will depend to large extent on the number of localities that are provided with clinical facilities for abortion especially in rural areas, knowledge about such facilities among the people and also on the attitude of the physicians. Due to inadequate data on the socio-economic status of women who had legal abortions, it is not clear whether liberalization has really helped the poor sections of the society.

### **Issues and Controversies Associated With Legal Abortions**

Abortion has been a hotly debated issue. Both pro (for) and anti-abortion (against) groups have lobbied intensively on the local, state, national, and international levels. Abortion raises some difficult questions to which there are no simple answers. Abortion issues may be divided into

1) Physical and Medical, 2) Psychological, 3) Social, and 4) Moral and Religious

#### **Physical and Medical Issue**

A woman is made physically and psychologically for motherhood. This is the basic fact of her life. If this process of becoming a mother is suddenly stopped, the shock will have its effect. This effect may be physical or mental immediate or long-term.

If a pregnancy is to be terminated, it should be terminated as soon as possible. This is of special necessity from a biological and medical point of view.

Medical complications arise due to patients spending so little time under observation after their initial operation and therefore problems of infection tend to set in.

A woman who has undergone an abortion is also more likely to have subsequent children both physically or mentally handicapped. Damage to the wall of the uterus can affect the normal development of the placenta through which the baby takes its nourishment.

The commonest and gravest ill effect resultant upon aborting being sterility and inability to carry subsequent pregnancies through the term. There is a long-term medical effect of aborting first pregnancy. Repeated abortions may be associated with a later inability to conceive or to carry a child to full term and with various birth complications.

Abortion should only be a backup measure not the primary method of birth control and they urge fuller usage of contraceptives among all sexually active person so that repeated abortions are not necessary.

### **Emotional Issue**

There is emotional and physical unrest experienced during the first few weeks of pregnancy. Most women even experience feelings of rejection of the pregnancy at this time. It is at this time that the expectant mother may be subjected to maximum pressure to agree to an abortion.

Each individual is different. For some, abortion provides great relief with little or not disturbance. For the others, the experience is upsetting. The key factor seems to be whether the woman wants an abortion or whether she is hesitant. Being refused an abortion and forced to bear an unwanted child can lead to psychiatric symptoms. But the woman who has health problems and has to have an abortion or who is persuaded to

have an abortion against her better judgement is also more likely to show negative psychological reactions following the operation.

The common psychological reactions can be minimized if the decision is solely that of the women. Therefore, Abortion Counselling can assist her in making the best decision she can live with and working her feelings ahead of time.

### **Social and Realistic Issues**

Legalized abortion saves lives by reducing the number of illegal attempts.

Antiabortionists emphasize their fears that without any restriction, except the individual woman and her conscience, an 'Abortion Mentality' develops so that abortion becomes too common and are performed too easily or for reasons that are not serious: For example teenage pregnancy has become a common occurrence among college students in cities with a free access to abortion facilities.

Even unplanned pregnancies in normal families, for want of spacing between children, especially among the career women, are also some of the common groups taking up abortions.

Thus, the majority of abortions today are not for medical reason, but for personal, social and economic reasons that have to do with woman's life situations and not with her health.

### **Moral Issues (Rights of the Unborn Child)**

Much of the controversy about abortion has centered around the moral issues involved. In ordinary justice, the child has as much claim as the mother to life and should have even more claim to legal protection of its right, since it is incapable of defending itself.

### **Rights of the Unborn Child**

The UN declaration on the Rights of the child maintains that “the Child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection before as well as after birth”.

Members of the Right of Life Movement (USA) and others emphasize the rights of the Unborn child. They emphasize the right to life of the foetus and that no individual or state should deprive the foetus of its constitutional and moral rights to live.

The Anti abortionists claim that science has proven beyond any reasonable doubt that human life begins at fertilization. The foetus from the beginning has its own life, is a totally new human being, a new person, with a genetic code quite distinct from the genetic code of its parents. The only life generated by human beings is human life. That new life is completely there at fertilization, lacking only development and growth. Abortion always takes away an innocents already existing life.

Human life is the highest form of life on earth. The next generation depends on the existing society for its survival.

On the other hand, the pro-abortion lobby emphasizes that the moral and legal rights of other parties must also be considered, not just those of the foetus. What about the rights of the mother, father, other family members? Should these lives be sacrificed for the sake of the child? Is it right to let the foetus live but to let the mother die so that her husband and other children are deprived of her love? The constitution guarantees equal protection under the law. Is it moral to force a woman to bear a baby she doesn't want, can't care for, or that might be deformed? Is it moral to insist that an unwanted child be born into the world and then to suffer

all of its life because it was never wanted. Who has the right to decide?

It is obvious to you know that the moral dilemmas raised by the abortion issue are not easy to solve.

## **Religious Views**

The entire gamut of laws related to life is of various types —divine law, natural law, secular or civil law, religious law and the like. The most important law related to life is the Divine Law or the Law of God. God is the giver and the author of life. No human being on earth has the authority to destroy life. Abortion is equal to murder of the human being, a person created in the image and likeness of God and therefore a grave sin against God.

The ethical views of different religions have always condemned the violation of natural law, the laws of the creator. Keeping this in view, let us examine the teachings of at least three major religions on human life and related issues, specifically on abortion which has posed the most serious ethical problems to the modern world.

### **i) The Hindu View**

According to Hindu religion, a woman who undergoes an abortion in this, life becomes barren in her subsequent lives. Hindu scriptures condemn abortion and consider it as murder. According to Hindu Vedas, abortion is considered to be a more serious sin than killing of a Brahmin. According to Shastras, life begins after the fourth month in the womb, when a ceremony is performed, blessing the foetus which is already living. Though Hindu ethics condemn abortion generally, it accepts abortion on the grounds of rape, incest, and when the mother runs the risk of grave injury or death. But still some of the Hindu religious leaders oppose

such abortion on the ground that it is an act of interference with the Karmic development of the child.

**ii) The Islamic View**

The Holy Quran warns men not to interfere with the work of God. It is one of the basic teachings of Islam that life is a gift of God and as such, no man has any right to commit any kind of act that is detrimental to, and extinguishing life. It is on this faith that Muslims generally oppose abortion, as it is felt that it amounts to extinguishing of life. The laws of Islam under certain circumstances prohibit abortion when the foetus is animated and considered a living being. As per the doctors of the law, the foetus is only a human being after the fourth month. Abortion is allowed in general during the first ninety days of pregnancy, and it is prohibited immediately afterwards. However, like Hindu ethics, Islamic ethics also permit abortion on the basis of pregnancy which endangers the mother's life and where it is the result of a rape that does not result in marriage.

**iii) Christian Proposition**

The Christian church in the first centuries after Christ, forbade abortion under all conditions from the moment of conception and abortion at any time is considered a grave sin.

Direct abortion of a foetus before viability is never lawful because this is to kill an innocent human being, who has a right to live.

Every human being, even a child in its mother's womb has a right to life directly from God, and not from Parents or from any human society or authority. Hence there is no human authority, no medical eugenic, social, economic or moral indication that can offer or produce a judicial title to the deliberate disposal of an innocent human life.

There is an argument that the soul does not exist until the foetus really resembles a human being 'in form'. But from the time when the male sperm unites with the ovum fertilizing it, (conception) the minute embryo contains all the characteristics which will make it a unique person. Hence the Christians believe that the soul enters at the moment of conception so that at whatever stage of growth, the new life is human.

### **View in Favour of and against Abortion**

We have so far discussed the issues associated with the legal termination of pregnancy. The views of the two groups. Pro abortionists and anti abortionists are strong in their own ways and the debate seems to be unresolvable. It is likely to persist for sometime generating high sentiments on both sides. We will furnish here very briefly the views favouring legal abortion.

- Women should have the right to control their own bodies.
- No child should be brought into the world unwanted.
- Legal abortion should be conducted in authorized medical settings in which considerable care is taken to avoid harming the mother physically or psychologically.
- Women must have the option of a safe, legal abortion if they desire.

### **View against Legal Abortion**

- Foetus is a living being and therefore its right to life must be respected – no one has the moral right to take that life.
- Persons other than the mother have rights as far as the unborn child is concerned – child itself and the father.

- Because the foetus is unable to defend itself, opponents of abortion believe that others are obligated to defend the foetus against the efforts of those who want to “kill it”.

The most important opposition to abortion is from organized religious groups who address abortion issue as that of questioning the ultimate authority of God the Almighty.

### **Viable Alternatives to Unplanned Pregnancies**

- 1) Family Life Education should help the couples for a planned parenthood.
- 2) Make people realize the value of human life to protect it by instilling in them the love of God.
- 3) Girls in moral danger should be protected.
- 4) Effective use of contraceptives should be promoted.
- 5) Teenagers should be helped to imbibe the spiritual values in them and be aware of the consequences of ending countless innocent human lives through premarital sexual experiences.

### **Conclusion**

In this chapter, first we introduced you to the human reproductive system and the process of conception, so as to understand the beginnings of human life. Next we dealt with various types and methods of procuring abortion.

Many countries including India liberalized the practice of abortion by legalizing it. In this unit we have dealt with in detail the Medical Termination of Pregnancy Act, 1971. We then proceeded to analyse the various issues associated with abortion – Physical, Emotional, Social Moral and Religious.

We have also attempted to summarize the supporting and opposing views on abortion.

Finally we examined some alternative suggestions to prevent the termination of pregnancy.

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