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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 09.12.2019

+ W.P.(CRL) 1612/2019

AMIT SAHNI

..... Petitioner

Through: Mr. Inderjeet Sidhu with Mr. Anshul Bajaj, Ms. Sonali Tiwary & Mr. Jasman Singh Sethi, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Kapil Kumar Nim, Adv. for R-1/UOI.
Mr. Vinod Diwakar, CGSC with Mr. Abhishek Bhati & Mr. Vishal Kumar Singh, Advs. for R-1 & 2.
Ms. Amrita Prakash with Mr. Hari Shankar Sharma & Mr. Kushal Agrawal, Advs. for R-3/NCW.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (Oral)

1. This Public Interest Litigation has been preferred with the following prayers:-

“i) To direct the Respondent No.1 and 2 to apprise this Hon'ble Court as to when the Medical Termination of Pregnancy Act, 1971 would be amended in terms of proposed draft amendment [Medical Termination of Pregnancy (amendment) Bill 2014], by increasing the prescribed length of pregnancy from a period of “Twenty Weeks” to “Twenty Four” Weeks.

ii) To pass necessary recommendations to the Respondent No.1 and 2 to replace the length of pregnancy as prescribed in

section 3 (2) (b) of MTP Act, 1971 from a period of “Twenty Weeks” to “Twenty Four/Twenty Six” Weeks by way of bringing appropriate amendment.

iii) To hold that the right to abort the pregnancy is a fundamental right of the woman’s body sovereignty and each woman has the sole right to make decision about her body in the context of carrying such pregnancy or to terminate the same, subject to checks as provided under the MTP Act or further checks, which may be provided.

iv) To hold that unmarried woman or widow are equally entitled to terminate the pregnancy under MTP Act, 1971.

v) To pass appropriate directions to deal with the cases pertaining to termination of pregnancy where anomaly is detected after 16 weeks on fast track basis under MTP Rules in order to ensure that woman must not suffer due to administrative delay in taking decision or giving consent for termination of pregnancy.

vi) To direct the respondent to spread awareness to sensitize the people about abnormalities of fetus and necessity to go for regular check-ups and advanced scans.

vii) Or pass any other or further order, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The arguments advanced by learned counsel for the petitioner are that this petition has been preferred for immediate amendment in the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as “the Act, 1971”), especially, for increasing the prescribed length of termination of pregnancy from the period of “**Twenty Weeks**” to “**Twenty Four Weeks**”. Learned counsel for the petitioner has also submitted that this amendment

has been kept pending since several months and the same may be immediately carried out by the respondents. It is also submitted by the learned counsel for the petitioner that petitioner may be informed about the details of the amendment in advance so that they can look into the matter so far as amendment is concerned.

3. It is not the function of this Court to frame a time limit within which the respondents are required to amend the Act, 1971 nor this Court can ask what amendment the respondents are considering or what amendment they are contemplating to bring into force. It is all left at the wisdom of the Parliament.

4. Having heard learned counsels for both the sides and looking to the facts and circumstances of the case, we see no reason to issue any writ, order or direction upon respondents to amend the Medical Termination of Pregnancy Act, 1971 within a specific time limit. Nonetheless, looking to the public need and exigencies, action will be taken by the respondents as early as possible and practicable.

5. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 09, 2019

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