

The policy in india law medical essay

Law



Abortion has been legal in the US since January 1973. The high court's made a decision in Roe v. Wade[1], which granted women the constitutional right to terminate their pregnancies, made it possible for women to be safe, legal abortions from well-trained medical practitioners, state legislatures and governors. It had encountered a number of limitations in the ways they can regulate abortion. The high court considered the Roe's case arose out of a Texas law that prohibited legal abortion except to save a woman's life. A 21 years old pregnant woman, Jane Roe[2], had represented all women who wanted abortions but could not get them legally and safely. The Texas Attorney General, Henry Wade, who was defending the law that made abortions illegal. The Supreme Court ruled that the Americans' right to privacy which included the right of a woman to decide whether to have children, and the doctor to make that decision without state interference after hearing the case. The second case is Doe v. Bolton in 1973. It was focused on a more lenient Georgia law. This case was allowed a woman to terminate her pregnancy when her life was in danger. The lower federal courts had declared the statutes unconstitutional, ruling that denying a woman the right to decide whether to carry a pregnancy to term violated basic privacy and liberty interests contained in the constitution in these two cases. In these two cases, the Supreme Court affirmed that the lower courts' conclusions and struck down both statutes by a vote of 7-2.[3](Wetstein 1996) In Roe, the court had concluded that constitutional rights to privacy and liberty protected a woman's right to terminate her pregnancy. The court also recognized that the state has an " important and legitimate interest" in protecting the health of the mother and even " the potentiality of human life" inside her.

Policy In Malaysia

Malaysian Penal Code sections 312 -315 are covers that abortion was totally illegal. The only ground for abortion was " for the purpose of saving the life of the woman" (Section 312). An amendment had made legal to save the life of the woman in 1971. Under the pressure from the medical fraternity, there was another amendment made to allow an exception in 1989. The Penal Code (Amendment) Act of 1989 (Act 727) had provided for legal abortion to be carried out safely and has widened the criteria for carrying out abortions but it only a medical practitioner registered under the Medical Act 1971 that can undertake the procedure. Now, an abortion can be carried out if the practitioner is of the opinion , that formed " in good faith" that the continuance of the pregnancy would be involve risk to the life of the pregnant woman or injury to the mental or physical health of the pregnant woman, greater than if the pregnancy were terminated. In 2002, the Ministry of Health discussed the amendments to decriminalize Verb 1. decriminalise - make legal; " Marijuana should be legalized" decriminalize, legalise, legalize, legitimate, legitimatise, legitimatize, legitimise, legitimize the procedure and reduce restrictions on access to it. The Malaysian Medical Association with the involvement of NGOs such as FFPAM, proposed that there should be no punishment when no consent of the woman is available. Two medical practitioners had based on the considerations as provided in the exceptions stated in Section 312, and acting in good faith, shall be accepted as consent in lieu in lieu prep. instead. " In lieu taxes" are use taxes paid instead of sales tax. A " deed in lieu of foreclosure" occurs when a debtor just deeds the property securing the loan to the lender rather than go through the foreclosure process. that if where the pregnant woman is physically,

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mentally, or emotionally incapable of giving consent, or if below the legal age of valid assent. Besides, if there is a substantial risk that if the child were born and would suffer from physical or mental abnormalities and will to be seriously handicapped or the pregnancy is alleged to have been caused by incest or rape, then the proposed amendments are currently being reviewed by the Attorney General's office.

Policy in Ireland

The head of the European Parliament committee said that Ireland must clarify abortion laws. Besides that, the chairman of the committee (Mikael Gustafsson) said that abortion was a human rights issue. (Ireland must clarify abortion laws, says EU head n. d.).[4]Abortion is currently illegal in Ireland almost all circumstances, except where the woman or girl's life is in danger. A senior legal advisor at Human Rights Watch- Aisling Reidy said that " the government needs to ensure the effective access of women and girls to the abortion services to which they already have a legal right." The Human Rights Watch discussed the immediate need for reform to comply with the European Court of Human Rights (ECtHR) judgment, besides that they need to give an overview of the main human rights concerns with Ireland's current abortion policy regime. For an example, a woman-Savita Halappanavar[5], Hindu of Indian, 31 years old who was die because of denied an abortion in Ireland. She died on October 28, 2012, at a hospital in Galway. According to a recent survey in Ireland, 85% of those polled said that they supported legislation the abortion, 10% of them would not support and 5% of them said they did not know. (Ireland: Clarify and Reform Abortion Laws and Regulations 2013)Because of this case, the Irish government

announced that they would draft new laws and regulations to spell out when doctors can terminate a pregnancy, weeks after an ailing woman was refused an abortion and perished[6]. (Ireland to seek change in abortion law after woman's death n. d.)

Policy In India

The Indian Penal Code 1862 and the Code of Criminal Procedure 1898, with their origins in the British Offences against the Person Act 1861, made abortion a crime punishable for both the woman and the abortionist except to save the life of the woman. The liberalization of abortion law in India began in 1964 in the context of high maternal mortality due to unsafe abortion[7]. (Hirve n. d.) Abortion in India was legal only to save the life of the mother. The provisions of the Indian Penal Code placed India in the category of those countries with highly restrictive abortion law on August 25, 1964; the Central Family Planning Board recommended that the Ministry of Health creates a committee to study the question of legislation on abortion. The government decided to liberalize the abortion laws and passed the Medical Termination of Pregnancy Act (MTP Act 1971). The terminology was specifically designed to make it easy to get the law approved by the parliament. The law was passed as a health measure to protect women from the hazards of untherapeutic abortions. According the Ministry of Health, the law is required for approval an abortion within the first 3 months of pregnancy. Besides that, the Medical Termination of Pregnancy Act (MTP Act 1971) got provide the legalization of abortion for some condition such as rape or incest, and for some social reasons such as mental or social injury to the mother. The Committee had recommended that the doctors should

encourage women to accept contraception, preferably methods such as IUDs and sterilization, which are either long acting or permanent.