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'Why an arbitrary 20-week deadline for MTP?' says doc



Dr Nikhil Datar

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Ministry of Women and Child Development, Govt of India

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Medical Termination of Pregnancy (MTP) is illegal in India after 20 weeks however, Dr Nikhil Datar, Medical Director of Cloud 9 hospital in Mumbai question the arbitrary deadline itself.

In 2016 Dr Datar examined a rape victim who was carrying a foetus with severe abnormalities and whose condition he described as being "incompatible with life". This was later confirmed by a team of doctors from the civic-run KEM hospital. Supreme Court in a relief to the traumatised patient allowed a termination in her 24th week.

"What happens one day past 20 week or two days after that. Does anything change? So why so much of sanctity around 20 weeks?" he asks.

Even in a developed countries such as US, and UK with advanced healthcare systems, most healthy babies who survive are the ones born after 24 weeks. While there are instances of babies born before that who survive, most tend to have some sort of brain damage and severe developmental delays.

The stringent law forces doctors to deny respite to their patients who range from rape victims to desperate housewives who can't afford more children and in some cases women carrying an abnormal foetus.

"It is not just about abnormalities. What if the woman is not able to go to the hospital in time for social or financial reasons? That is very common," said Dr Datar. In such cases most women would be forced to turn to quacks to terminate the pregnancy, putting the life of the mother at grave risk. In case things go wrong the cannot even approach the authorities for help, being a part of an illegal activity themselves," he says.

The Act that was drawn up in 1971 possibly took into account the medical facilities available then which has dramatically improved since. More importantly, the 20-week deadline is hard on women who are carrying a baby with Down's syndrome – confirmatory test comes only around 22 weeks – two weeks too later for the women to terminate the pregnancy.

"There are few tests called triple and quadruple test that is ordered in the 17th week by the doctor, the result of which takes a week or more. By the time the confirmatory test is ordered and the results pour in, the patient is already past 20 weeks," he said, highlighting the obvious problem that ensures that women are forced to carry the baby to term or terminate the pregnancy without waiting for the confirmatory test. "That would mean that we would loose several healthy foetuses too in the process."

CRUCIAL TESTS

A lowdown on the tests that are prescribed by doctors to pregnant woman at various intervals of their pregnancy

16/17 week Triple test and quadruple test is advised by doctors to the patient to test for genetic abnormalities.

18 week Results come in by this time. They are not confirmatory but just indicate the higher likelihood of a foetus having a genetic abnormality

19 week Confirmatory test ordered

22 week Result of the confirmatory test which indicates genetic abnormalities - too late for legal medical termination of pregnancy

Earlier case Bhayandar couple Niketa and Haresh Mehta approached the Bombay High Court in 2008 to allow MTI as their baby had a congenital heart blockage. Niketa was already 24-weeks pregnant High Court denied the request of the couple but Niketa had a miscarriage in her 27th week



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