



MEDICAL TERMINATION OF PREGNANCY ACT 1971

“An Act to provide for the Termination of certain pregnancies by registered medical practitioners & for matters connected therewith & incidental thereto”

Legislated by the Parliament on August 10th , 1971 And the Act was enforced Nationwide from April 1st , 1972

Adopted by Kashmir & Mizoram- 1980

MTP Act, Rules & Regulations

- MTP Act Is an Act of Parliament providing an Overview of Safe abortions and delegating authority to Central & State government
- Rules are framed by the Central Government BUT must be ratified by each house of Parliament
- Regulations are framed by the State Government & relate to issues involving Opinions , reporting and maintaining secrecy



Legal Framework

- MTP Act
- Rules
- Regulation

MTP Act specifies :-

1. The Indications for legal Terminations
2. Who can Terminate
3. The Place where it can be terminated
4. Last but most important Consent requirement

Indications :- When pregnancy can be terminated.. ???

1. Continuation of pregnancy is a risk to the life of pregnant woman or it can cause grave injury to her physical and mental health
2. Substantial risk that the child , if born ,would be seriously handicapped due to physical or mental abnormalities
3. Pregnancy caused by rape
4. Failure of contraceptive in married woman

LEGALLY SPEAKING

According to India's abortion laws only a qualified doctor can perform an abortion on a woman at an approved clinic or hospital. The Indian abortion laws fall under the Medical Termination of Pregnancy (MTP) Act, which was enacted by Parliament in 1971. The MTP Act clearly states that a pregnancy can be aborted only under certain conditions, such as:

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| ■ Woman's physical and/or mental health are endangered by the pregnancy | ■ The girl is minor and unmarried. Consent of a guardian is needed |
| ■ The woman is facing the birth of a potentially disabled or malformed child | ■ The woman is a "lunatic" |
| ■ The woman is a rape victim | ■ Pregnancies that are a result of failure in sterilisation |
| | ■ The duration of pregnancy is under 20 weeks |

Who can terminate the pregnancy???

- A Registered Medical practitioner (RMP) who has a recognized Medical qualification as defined in clause (b) of Sec 2 of Indian Medical Council Act, 1956
- Whose name is registered in a state Medical register
- Who has training experience as per MTP rules
- Experience of RMP - Up to 12 wks of gestation only
- Before the commencement of act experience minimum 3yrs
- Who is registered in state medical register ---6months of house surgeon-ship in gynaecology Or experience of working in department of gynaecology -1yr
- A Practitioner who has assisted RMP in 25 cases of Medical termination of pregnancies, at least 5 of which have been performed independently in a hospital established or maintained by government or a training institute approved for this purpose by the Government.

Experience and Training Required by a RMP - up to 20 wks

- PG Degree or Diploma in OBG
- Completed 6 months as House Surgeon in OBG
- At least one yr experience in dept of OBG at any hospital that has all facilities.

Where pregnancy can be terminated??? – PLACE

- Hospitals established or maintained by the Government
- A Place approved by the Government or DLC constituted by the Government.

Consent - - - Form C

- Only the consent of a woman is required
- If Age <18 yrs or a mentally ill patient, consent of guardian is required.

Violation of The ACT

- Any person doing MTP and not a RMP can be punished with rigorous imprisonment for 2-7 yrs.
- If terminating at a place which is not approved can be punished 2-7 yrs rigorous imprisonment.
- The owner of unapproved place , performing termination can also be punished with rigorous imprisonment 2-7 yrs.

Legal abortion means

- Termination done at a place approved under the Act.
- Termination done for conditions and within the gestation prescribed the Act Termination done by a medical practitioner approved by the act.
- Other requirements of the rules and regulations are complied with.

