

The Medical Termination of Pregnancy Act

370, 900, 1000

Introduction Most of the problems in India are due to increasing population. The population problem of India has been discussed elsewhere (Health Education and Community Pharmacy by N K Jain: chapter 3: Demography and Family Planning). Massive family planning programmes have been launched in the country. The concept of small and planned family is gaining popularity and the public awareness is increasing gradually. In spite of these efforts the population of India is increasing at an alarming rate. Another aspect is that there are cases of unwanted or medically undesirable pregnancies. Pregnancy occurring due to the rape of a woman is one such example. The Medical Termination of Pregnancy Act, 1971 and the Rules provide for the termination of certain pregnancies by registered medical practitioners and related matters. This was required because in absence of such legislation, pregnancies were terminated by unauthorised and unqualified persons endangering the life of pregnant women.

205/100

2000, 2000, 2000

The Act extends to the whole of India except the State of Jammu and Kashmir

Definition 1976 (20)

Under the Act, 'registered medical practitioner' means a person who possesses any recognized medical qualification as defined under the Indian Medical Council Act and whose name has been entered in a State Medical Register and who has such experience or training in gynaecology and obstetrics as may be prescribed by rules made under this Act.

Termination of pregnancies A pregnancy may be terminated by a RMP under following conditions —

When the length of pregnancy does not exceed 12 weeks and the RMP is of the opinion that —

10/11/20

When the length of pregnancy exceeds 12 weeks but does not exceed 20 weeks and if not less than two RMPs are of the opinion that —

- (i) the continuance of the pregnancy would involve a serious risk to the life of the pregnant woman or cause grave injury to her physical or mental health; or
- (ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

This does not apply when a RMP is of the opinion that the termination of such pregnancy is immediately necessary to save the life of the pregnant woman.

Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute grave injury to the mental health of the pregnant woman.

Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy, may be presumed to constitute a grave injury to the mental health of the pregnant woman.

No pregnancy shall be terminated without the consent of the pregnant woman except when (a) the pregnant woman is less than 18 years of age; or (b) the pregnant woman is lunatic although she has attained the age of 18 years.

No pregnancy shall be terminated at any place other than (a) a hospital established or maintained by Government; or (b) a place approved by the Government for this purpose.

Termination of pregnancy by a person other than a RMP is an offence.

No suit or other legal remedy shall lie against any RMP terminating a pregnancy, for any damage caused by anything done in good faith.

Experience/Training of RMP Any RMP having the following experience in the practice of gynaecology and obstetrics can terminate the pregnancy under the Act —

- (a) If he was registered in a State Medical Register immediately before the commencement of the Act, experience in the practice of gynaecology and obstetrics for not less than three years.
- (b) In the case of a RMP who was registered in a State Medical Register on or after the date of commencement of this Act—
- (i) if he has completed six months of house surgery in gynaecology and obstetrics; or

- (ii) when he has not done any such house surgery, if he had experience at any hospital for not less than one year in the practice of gynaecology and obstetrics; or
- (iii) if he has assisted another RMP in the performance of twenty five cases of medical termination of pregnancy.
- (c) In the case of a medical practitioner who has been registered in a State Medical Register and who holds a post-graduate degree or diploma in gynaecology and obstetrics, the experience or training gained during the course of degree or diploma.

Approval of place Medical termination of pregnancy can be done by a RMP only at an approved place. The application for the approval of place should be addressed to the Chief Medical Officer of the District who shall inspect such place to ascertain himself that the following conditions are satisfied —

- (i) an operation table and instruments for performing abdominal or gynaecological surgery are available.
- (ii) anaesthetic equipment, resuscitation equipment and sterilization equipment are available.
- (iii) drugs and parenteral fluids for emergency use are available.

The certificate of approval can be cancelled or suspended if the prescribed facilities are not maintained and termination of pregnancy at such place cannot be made under safe and hygienic conditions.

Admission register Every head of the hospital or owner of approved place shall maintain a register for recording the admissions of woman for the termination of pregnancies. The entries in the register shall be made serially year wise e.g. 7/95 refers to serial number 7 of 1995. The admission register shall be secret document and the information contained therein about the pregnant woman shall not be disclosed to any person. In case of an employed woman whose pregnancy has been terminated, the RMP can grant a certificate on demand for the purpose of enabling her to obtain leave from the employer. In order to promote family planning measure various States and Central Government grant leave to the woman employees for medical termination of pregnancy. The employer, however, is duty-bound not to disclose this information to any other person.

No entry shall be made in any case sheet, operation theatre register, follow up card or any other document or register except the admission register maintained at any hospital or approved place regarding the medical termination of pregnancy of a woman. Every admission register shall be destroyed on the expiry of a period of five years from the date of last

entry in that register. Other papers shall be destroyed on the expiry of a period of three years from the date of the termination of the pregnancy concerned.

Custody of forms The ^{consent} given by a pregnant woman for the termination of pregnancy together with the certified opinion shall be placed in an envelope which shall be sealed by the RMP and marked "SECRET". The serial number assigned to the pregnant woman shall also be entered on the envelope. Such envelopes shall be kept in safe custody by the head of the hospital or owner of the approved place.

Rules and regulations The Central Government may make rules to carry out the provisions of this Act to provide for the experience or training or both which a RMP shall have if he intends to terminate any pregnancy under this Act; and other related matters.

31/3/2019
The State Government may make regulation to provide for the (i) taking of ^{opinion}, its certification by RMP etc. and the preservation or disposal of such certificates; (ii) requiring any RMP who terminates a pregnancy, to give intimation of such termination and such other information relating to the termination as may be specified; and (iii) prohibiting the disclosure of intimations given or information furnished in pursuance of regulations to any unauthorised person.