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CHAPTER 11

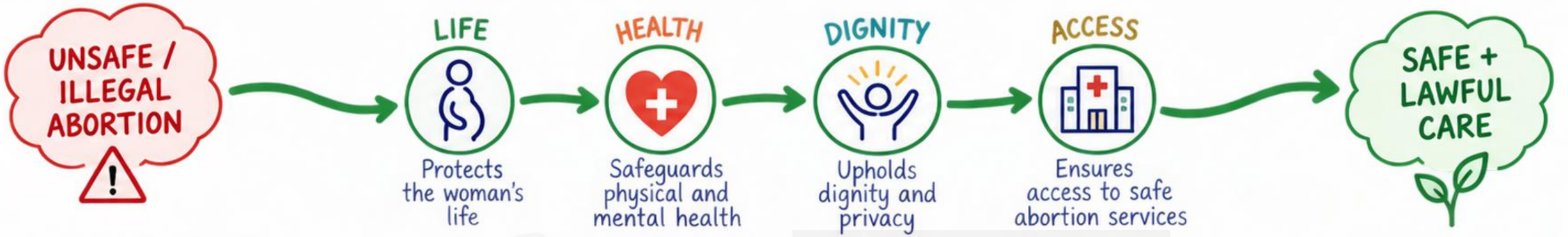
# Medical Termination of Pregnancy Act and Rules



ENGLISH CHAPTER NOTES

DIPLOMA IN PHARMACY

# MEDICAL TERMINATION OF PREGNANCY (MTP) ACT, 1971




## WHAT IS THE MTP ACT?

The Medical Termination of Pregnancy Act, **1971** is the Indian law that permits termination of certain pregnancies by a qualified Registered Medical Practitioner (RMP), subject to stated conditions.

ENACTED 10 AUG 1971 → COMMENCED 1 APR 1972 → AMENDED 2021

## MAIN PURPOSES

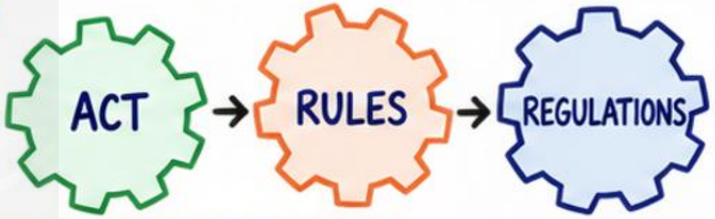
- Reduce unsafe and unlawful abortions.
- Protect the pregnant woman's life, health, dignity and privacy.
- Provide a legal pathway for safe abortion services.
- Define who may perform MTP, where it may be performed and when it is lawful.

## IMPORTANT DATES

- Enacted: 10 August 1971.
- Came into force: 1 April 1972.
- Major 2021 amendment effective: 24 September 2021.

## EXTENT

The Act extends to the whole of India. The earlier Jammu & Kashmir exception was removed with effect from 31 October 2019.




## SUPPORTING FRAMEWORK

**ACT** — states the legal rights, grounds and safeguards.

**RULES** — prescribe RMP training, approved-place facilities, Medical Boards and Rule 3B categories.

**REGULATIONS** — prescribe opinions, consent, reporting and confidential records.

## KEY IDEA

MTP is lawful only when the Act and its Rules are followed; it is not an unrestricted or over-the-counter process.

# SALIENT FEATURES OF THE MTP ACT (1971)

## WHO MAY PERFORM MTP?

Only a Registered Medical Practitioner who has a recognised medical qualification, is entered in a State Medical Register and has the prescribed training or experience in gynaecology and obstetrics.

## WHERE MAY IT BE DONE?

- A hospital established or maintained by Government; OR
- A place approved for MTP by Government or the District Level Committee.

**LAWFUL MTP**

## WHY? LEGAL GROUNDS



Life / health risk



Rape



Contraceptive failure



Substantial fetal abnormality

**LEGAL GROUNDS — RMP'S GOOD-FAITH OPINION**

1. Continuing the pregnancy involves risk to the woman's life.
2. It may cause grave injury to her physical or mental health.
3. There is substantial risk of serious physical or mental abnormality if the child is born.

## MENTAL-HEALTH PRESUMPTIONS

- If pregnancy is alleged to have resulted from rape, the anguish is presumed to be grave mental-health injury.
- If pregnancy results from failure of a contraceptive device or method used by any woman or her partner, the anguish may be presumed to be grave mental-health injury.

## IMPORTANT

The 2021 amendment replaced "married woman or her husband" with "any woman or her partner" for the contraceptive-failure presumption.

## ENVIRONMENT MATTERS

The woman's actual or reasonably foreseeable environment may be considered while assessing injury to health.

# MTP ACT (AMENDMENTS) – 2021 AMENDMENT ACT

## CURRENT FRAMEWORK

### UP TO 20 WEEKS

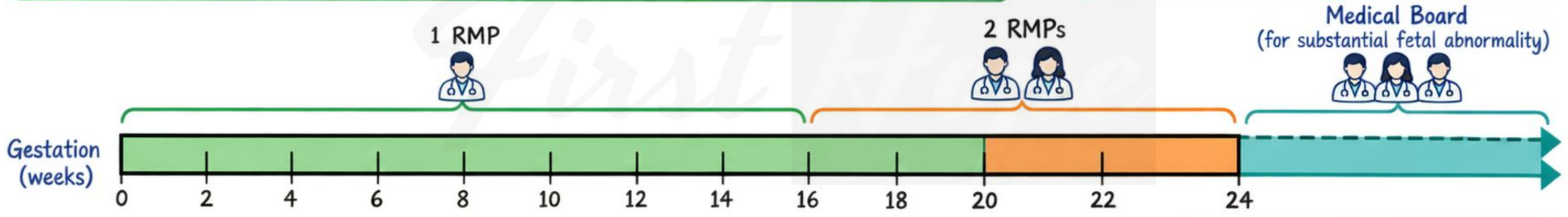
- Opinion of **ONE** eligible RMP.
- One or more legal grounds under **Section 3** must be present.

### MORE THAN 20 TO 24 WEEKS

- Opinions of **TWO** eligible RMPs.
- Woman must fall within a prescribed **Rule 3B** category.
- The same **Section 3** grounds are assessed in good faith.

### SUBSTANTIAL FETAL ABNORMALITY

The **Section 3(2)** gestational limits do not apply when termination is necessitated by a substantial fetal abnormality diagnosed by a duly constituted Medical Board. This is a specific statutory route—not a general "no-limit" rule.




Then vs Now (requirements)

### ORIGINAL 1971 POSITION

- Up to **12** weeks — one RMP.
- More than **12** to **20** weeks — two RMPs.

### CURRENT 2021 POSITION

- Up to **20** weeks — one RMP.
- More than **20** to **24** weeks — two RMPs + Rule 3B.

### 2021 CHANGE

Broader access, 20-week single-RMP band, 20-24-week prescribed-category band, Medical Board route and statutory privacy protection.

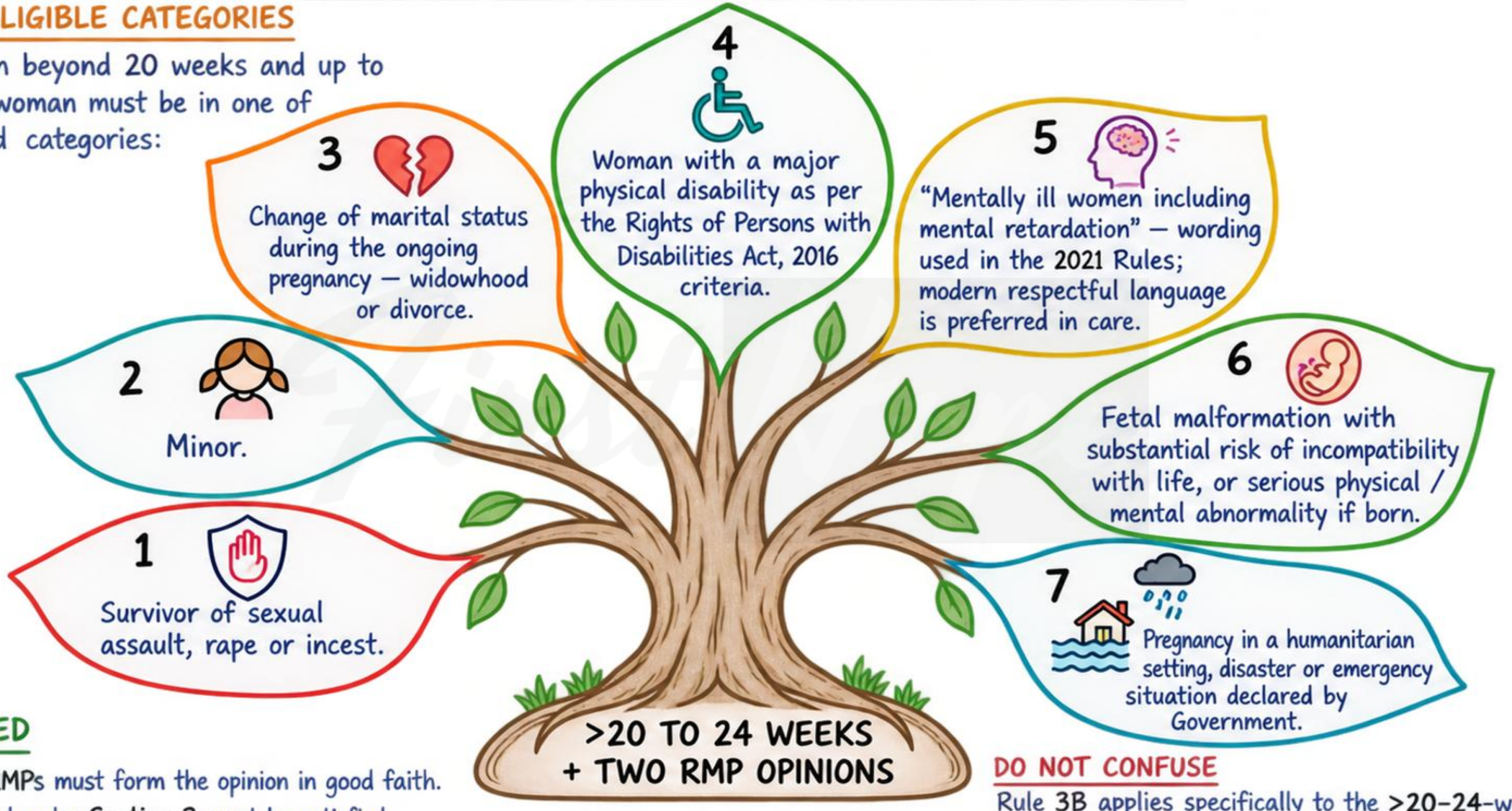
### SECTION 5 – LIFE-SAVING EMERGENCY

If one RMP forms a good-faith opinion that termination is immediately necessary to save the woman's life, the place rule and specified gestational / multiple-opinion requirements do not apply.

# RULE 3B CATEGORIES: 20–24 WEEKS

## RULE 3B — ELIGIBLE CATEGORIES

For termination beyond 20 weeks and up to 24 weeks, the woman must be in one of these prescribed categories:




## ALSO REQUIRED

- TWO eligible RMPs must form the opinion in good faith.
- The legal ground under Section 3 must be satisfied.
- Opinion is recorded in the prescribed Form E.

## DO NOT CONFUSE

Rule 3B applies specifically to the >20–24-week band. Up to 20 weeks, the statutory test does not require membership of a Rule 3B category.

**CATEGORY + SECTION 3 GROUND + GOOD-FAITH OPINION**

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