Medical Termination of Pregnancy (MTP)

Medical Termination of Pregnancy (MTP) Act, 1971

- The MTP Act, 1971 is a law enacted by the Indian Parliament to provide a legal framework for the safe and lawful termination of pregnancies by registered medical practitioners under specific conditions.

Purpose of the MTP Act

- To reduce illegal and unsafe abortions.
- To protect the health, life, and dignity of pregnant women.
- To legalize abortion under defined medical and legal criteria.

Key Features

- **Enforced from**: 1st April 1972.
- **Applies to**: All of India, including **Jammu & Kashmir** (after the abrogation of Article 370).
- **Conditions for termination** include risk to the mother’s life, fetal abnormalities, failure of contraceptive methods (in some cases), and pregnancies resulting from rape or incest.

Supporting Framework

- The Act is supplemented by the MTP Rules and Regulations, which outline:
    - **Approved facilities** for conducting abortions.
    - **Qualifications** required for medical practitioners.
    - **Reporting and record-keeping** procedures.

Salient Features of the MTP Act (1971)

Who Can Perform MTP?

- Only a Registered Medical Practitioner (RMP) with required qualifications and experience in obstetrics and gynecology.

Where Can It Be Done?

- Abortions must be carried out in:
    - Government hospitals
    - Approved private clinics

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- Medical institutions authorized by the government

Legal Grounds for Abortion (under original Act):

1. Risk to the life of the pregnant woman or grave injury to her physical or mental health.
2. Pregnancy due to rape or incest.
3. Failure of contraceptive (originally only for married women).
4. Risk of the child being born with physical or mental abnormalities.

Time Limits for Termination:

- Under the original 1971 Act:
  - Up to **12 weeks**: One doctor's opinion is required.
  - Between **12 to 20 weeks**: Opinion of two doctors is required.
  - After **20 weeks**: Not allowed unless it's a life-threatening emergency to the woman.

MTP Act (Amendments) – 2021 Amendment Act

- The MTP Act was significantly amended in 2021 to align with medical advancements, women’s rights, and social changes.

Key Changes Introduced:

A. Extension of Gestation Period:

- Abortion allowed up to **24 weeks** for **certain categories of women**, including:
  - Survivors of rape, incest
  - Minors
  - Women with physical disabilities
  - Women with mental illness
  - Pregnancies in disaster or emergency situations (as declared by government)

B. Single Medical Practitioner Approval:

- For pregnancies **up to 20 weeks**, only **one RMP’s opinion** is required.

C. Two Doctors for 20–24 Weeks:

- Between **20 to 24 weeks**, two RMPs’ opinions are required.

D. No Upper Limit for Fetal Abnormalities:

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- In cases of substantial fetal abnormalities, the gestational age limit can be waived entirely based on the recommendation of a Medical Board.

E. Confidentiality Clause:

- The name and other personal details of the woman must be kept confidential.
- Violation of confidentiality is a punishable offense.

F. Inclusion of Unmarried Women:

- The term "married woman" was changed to "any woman", making abortion due to contraceptive failure legal for unmarried women as well.

Pharmacist's Role and Regulatory Aspects Under the MTP Act

Importance for Pharmacists

- Although **pharmacists are not authorized to perform abortions**, they play a vital supporting role in ensuring **safe and legal medical practices**:
  - Dispense only legally approved drugs for medical termination (e.g., mifepristone and misoprostol).
  - Supply MTP drugs strictly on valid prescriptions from a Registered Medical Practitioner (RMP).
  - Do not sell abortion pills over-the-counter (OTC) under any circumstances.
  - Maintain accurate records and uphold patient confidentiality.
  - Comply with Schedule H and H1 requirements under the Drugs and Cosmetics Rules, which govern the sale of restricted drugs.

Medical Boards (As per 2021 Amendment to the MTP Act)

Formation

- States are required to **establish Medical Boards** to evaluate termination requests beyond **24 weeks of pregnancy**, in exceptional cases such as fetal abnormalities.

Composition

- Each Medical Board typically includes:
  - A gynecologist
  - A radiologist or sonologist
  - A pediatrician
  - Additional experts as prescribed by the rules

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MTP Rules – Key Provisions

- The **MTP Rules**, framed under the Act, provide operational clarity on legal and procedural aspects:
  - Define the qualifications of RMPs authorized to perform terminations.
  - Specify infrastructure standards for approved MTP centers.
  - Enforce mandatory record-keeping and confidentiality.
  - Outline **consent requirements**:
    - **Adult women**: Only their written consent is needed.
    - **Minors or mentally ill women**: Consent of a guardian is required.

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