

CHAPTER - II

Medical Termination of Pregnancy Act

The medical Termination of Pregnancy Act was passed by the parliament in 1971 with a view to provide for termination of pregnancy by registered medical practitioners for bonafide medical reasons.

The Act extends to the whole of India except the state of Jammu & Kashmir. The act was framed mainly due to the following reasons -

- 1) Legal abortions were difficult at that time and many were being carried out illegally under unhygienic or unsafe conditions resulting in harm to health or life of women.
- 2) As a population control measure since it provided for termination of unwanted pregnancy resulting from a failure of any device or method used by the married women or her husband for limiting the no. of children.

Definitions -

- 1) Guardian - means a person taking care of minor person or mentally ill person.
- 2) Lunatic - Lunatic has the meaning assigned to it in section 30 of Indian Lunacy Act, 1912. In 2002 "Lunatic" is replaced by "mentally ill person".

3) Mentally ill person - means a person in need of treatment for mental disorder other than mental

retardation.

4) Minor - Under provisions of Indian Majority Act, 1875, 'minor' means a person who has not attained age of majority.

5) Registered medical practitioner - means a person who possesses any recognised medical

qualification as defined under the Indian Medical Council Act whose name has been entered in a State Medical Register and who has such experience or training in gynecology and obstetrics as may be prescribed by rules made under this Act.

Provisions of The Act -

The medical termination of pregnancy act provides that, pregnancies of women may be terminated by Registered Medical practitioners under the following circumstances:-

- 1) Pregnancies of women, 18 years of age or more, with their consent or in case of women who are less than 18 years of age or are lunatics, with the written consent of their guardian.
- 2) A pregnancy which is not more than 12 weeks old and the medical practitioner is of the opinion (formed in good faith) that its continuance is a grave danger to the life of seriously handicapped

due to physical or mental abnormalities.

3) A pregnancy which is more than 12 weeks but not more than 20 weeks old, provided that not less than two registered medical practitioners are of such an opinion.

4) A pregnancy of any duration provided that the medical practitioner is of the opinion that such termination is immediately necessary to save the life of the pregnant woman.

Requirement of experience or Training for an Registered Medical Practitioner (RMP) To Terminate Pregnancy :-

Any RMP having following experience in the practice of gynecology and obstetrics can terminate a pregnancy under the Act -

i) If the RMP was registered in a State Medical Register before the commencement of this act:-

a) Experience in the practice of gynecology and obstetrics for not less than three years.

ii) If the RMP was registered on or after the commencement of this act -

a) Six month of house surgery in gynecology & obstetrics.

b) In case, he has not done any such house surgery, experience gynecology & obstetrics in any hospital for not less than one year.

Maintenance of Records

- * Records to the admissions of women for termination of pregnancy shall be maintained by the head of the hospital or the owner of the approved place.
- * The admission register shall be a secret document and the information contained therein shall not be disclosed to any person except as provided under law.
- * Every admission register shall be destroyed on laps of 5 years from the date of entry in register.

Offences & Penalties -

Offences	Penalties
1) Termination of pregnancy by a person who is not RMP	Punishable under IPC
2) Any person who willfully contravenes or fails to comply with the requirements of any regulations made by state government.	1000 Rupees.

All the Best 😊