MEDICAL TERMINATION OF PREGNANCY RULES, 2003

THE MEDICAL TERMINATION OF PREGNANCY RULES, 20031 In exercise of wers conferred bv section 6 gf the Medical Termination of Pregnancy 1971), the Cent;al Government hereby makes the following rules, Act, 1971 (34 namelv:— 1. Short title and commencement.—(l) These rules may be called the Medical Termination of Pregnancy Rules, 2003. (2) They shall come into force on the date: of their publication in the Official Gazette

2. Definitions—In these rules, unless the context otherwise requires,— (h) (c) (d) (e) "Act" means the Medical Termination of Pregnancy Act, 1971 (34 of 1971); "Chief Medical Officer" means the Chief Medical Officer of a Dis- trict, by whatever name called; "Form" means a Form appended to these rules; "owner", in relation to a place, means anv person who is the ad- ministrative head or otherwise responsible 'for the working or main- tenance of a hospital or place, bv whatever name called, where the pregnancy may be terminated under this Act. "Committee" means a committee constituted at the district level un- der the proviso to clause (b) of section 4 read with rule 3

3. Composition and tenure of District level Committee.—(l) One member of the District level Committee shall be the Gynaecologist/ Surgeon/ Anesthetist and other members from the local medical profession, non-governmental organizations, and Panchayati Raj Institution of the district: Provided that one of the members of the Committee shall be a woman. (2) Tenure of the Committee shall be for two calendar years and the tenure of the non-Government members shall not be more than two terms

4. Experience and training under clause (d) of section 2.—For the purpose of clause (d) of section (2), a registered medical practitioner shall have one or more of the following experience or training in gynaecology and obstetrics, namely:— (a) in the case of a medical practitioner, who was registered in a State Medical Register immediatelv before the commencement of the Act, experience in the practice of gvnaecology and obstetrics for a period of not less than three years; (b) in the case of a medical practitioner, who is registered in a State Medical Register:— if he has completed six months of house surgency in gynaecolo- gy and obstetrics; or (ii) unless the following facilities are provided therein, if he had ex- perience at anv hospital for a period of not less than one year in the practice of-obstetrics and gynaecology; or (c) if he has assisted a registered medical practitioner in the perfor- mance of twenty-five cases of medical termination of pregnancy of which at least five have been performed independently, in a hospital l. Vide C.S.R. 483(E) dated 13th June, 2003, published in the Gazette of India, Extra., Pt. 11, Sec. 30) dated 13th June, 2003

2. Came into force on 13-6-2003.7 8 The Medical Termination of Pregnancy Rules, 2003 [Rule 4 established or maintained, or a training institute approved for this purpose by the Government. (i) This training would enable the Registered Medical Practitioner (RMP) to do only 1st Trimester terminations (up to 12 weeks of gestation). (ii) For terminations up to twenty weeks the experience or training as prescribed under sub-rules (a), (b) and (d) shall apply. (d) in 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 such degree or diploma

5. Approval of a place.—(l) No place shall be approved under clause (b) of section 4,— (i) unless the Government is satisfied that termination of pregnancies may be done therein under safe and hygienic conditions; and (ii) unless the following facilities are provided therein, namely:— in case of first trimester, that is, up to 12 weeks of pregnancy:— a gynaecology examination/ labour table, resuscitation and sterilization equipment, drugs and parental fluid, back up facilities for treatment of shock and facilities for transportation; and in case of second trimester, that is up to 20 weeks of pregnancy:— (a) an operation table and instruments for performing abdominal or gynaecological surgery; (b) anaesthetic equipment, resuscitation equipment and sterilization equipment; (c) drugs and parental fluids for emergency use, notified by Government of India from time to time. Explanation.—ln the case of termination of early pregnancy up to seven weeks using RU-486 with Misoprostol, the same may be prescribed by a Registered Medical Practitioner (RMP) as defined under clause (d) of section 2 of the Act and section 4 of MTP Rules, at his clinic, provided such a Registered Medical Practitioner has access to a place approved under Section 4 of the MTP Act, 1971 read with NITP (Amendment) Act, 2002 and rule 5 of the MTP Rules. For

the purpose of access, the RMP should display a Certificate to this effect from the owner of the approved place. (2) Every application for the approval of a place shall be in Form A and shall be addressed to the Chief Medical Officer of the District. (3) On receipt of an application under sub-rule (2), the Chief Medical Officer of the District may verify any information contained, in any such application or inspect any such place with a view to satisfying himself that the facilities referred to in sub-rule (l) are provided, and that termination of pregnancies may be made under safe and hygienic conditions. (4) Every owner of the place which is inspected by the Chief Medical Officer of the District shall afford all reasonable facilities for the inspection of the place. (5) The Chief Medical Officer of the District may, if he is satisfied after such verification, enquiry or inspection, as may be considered necessary, that termination of pregnancies mav be done under safe and hygienic conditions, at the place, recommend the approval of such place to the Committee. (6) The Committee mav after considering the application and the recommendations of the Chief *Medical Officer of the District approve such place and issue a certificate of approval in Form B. Rule 10] The Medical Termination of Pregnancy Rules, 2003 9 (7) The certificate of approval issued by the Committee shall be conspicuously displaced at the place to be easily visible to persons visiting the place. (8) The place shall be inspected within 2 months of receiving the application and certificate of approval may be issued within the next 2 months, or in case any deficiency has been noted, within 2 months of the deficiency having been rectified by the applicant. (9) On the commencement of these rules, a place approved in accordance with the Medical Termination of Pregnancy Rules, 1975 shall be deemed to have been approved under these rules

6. Inspection of a place.—(l) A place approved under rule 5 may be inspected by the Chief Medical Officer of the District, as often as may be necessary with a view to verify whether termination of pregnancies is being done therein under safe and hygienic conditions. (2) If the Chief Medical Officer has reason to believe that there has been death of, or injury to, a pregnant woman at the place or that termination of pregnancies is not being done at the place under safe and hygienic conditions, he may call for any information or may seize any article, medicine, ampoule, admission register or other document, maintained, kept or found at the place. (3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to seizure, so far as it may, apply to seizure made under sub-rule (2)

7. Cancellation or suspension of certificate of approval.—(l) If, after inspection of any place approved under rule 5, the Chief Medical Officer of the District is satisfied that the facilities specified in rule 5 are not being properly maintained therein and the termination of pregnancy at such place cannot be made under safe and hygienic conditions, he shall make a report of the fact to the Committee giving the detail of the deficiencies or defects found at the place and the committee may, if it is satisfied, suspend or cancel the approval provided that the Committee shall give an opportunity of making representation to the owner of the place before the certificate issued under rule 5 is cancelled. (2) Where a certificate issued under rule 5 is cancelled, the owner of the place may make such additions or improvements in the place and thereafter, he may make an application to the Committee for grant of approval under rule 5. (3) In the event of suspension of a certificate of approval, the place shall not be deemed to be an approved place during the suspension for the purposes of termination of pregnancy from the date of communication of the order of such suspension

8. Review.—(l) The owner of a place, who is aggrieved by an order made under rule 7, may make .an application for review of the order to the Government mthin a period of sixty days from the date of such order: Provided that the Government may condone any delay in case it is satisfied that applicant was prevented by sufficient cause to make application within time. (2) The Government may, after giving the owner an opportunity of being heard, confirm, modify or reverse the order

10. Repeal and saving.—The Medical Termination of Pregnancy Rules, 1975, are hereby repealed except as respects things done or omitted to be done before such repeal. The place described below is hereby approved for the purpose of the Medical Terminatio of Pregnancy Act. 1971 (34 of 1971). AS READ WITHIN UPTO WEEKS Name of the Place Address and other descriptions Name of the owner Place..... Date.. 10 years..... of the pregnancy of my ward..... .....who is a minor/ lunat The Medical Termination of Pregnancy Rules, 2003 FORM A (See sub-rule (2) of rule 5) [Form FORM OF APPLICATION FOR THE APPROVAL OF A PLACE UNDER CLAUSE (b) OF SECTION 4 Categorv of approved place: A Pregnancy can be terminated upto 12 weeks B Pregnancy can be terminated upto 20 weeks 1. Name of the place (in capital letters) 2. Address in full 3. Non-Governmental/Private/Nursing Home/Other Institutions 4. State, if the following facilities are available at the place Category A (i) Gynaecological examination/ labour table. (ii) Resuscitation equipment. (iii) Sterilization equipment. (iv) Facilities for treatment of shock, including emergency drugs. (v) Facilities for transportation. if required. Category B (ii) An operation table and instruments for performing abdominal or gvnaecological surgery. (iii) Drugs and parental fluid in sufficient supply for emergency cases. (iv) Anaesthetic equipment, resuscitation equipment and sterilization equipment. Place...,..... Signature of the owner of the place FORM B (See sub-rule (6) of rule 5) CERTIFICATE OF APPROVAL To the Government of the.....

FORM C (See rule 9) . .....daughter/wife of..... (here state the permanent address) .aged about at present residing at..... do hereby give mv consent to termination of my pregnancy at..... (State the name of place where the pregnancy is to be terminated) Place.. Date.....„..... Signature (To be filled in by guardian where the woman is a mentally ill person or minor) 1..... the termination at..... Date..... .....vears of..... ....son/daughter/wife of... ... .aged abot . .....at present residing at (permanent addres . .....do hereby give my consent (place of termination of my pregnanc Signature