THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971
No. 34 OF 1971
[10th August, 1971]

An Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-Second Year of the Republic of India as follows :-

1. (1) This Act may be called the Medical Termination of Pregnancy Act, 1971.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by

2. In this Act, unless the context otherwise requires, -

(a) "guardian" means a person having the care of the person of a minor or a lunatic;

(b) "lunatic" has the meaning assigned to it in Section 3 of the Indian Lunacy Act, 1912;

(c) "minor" means a person who, under the provisions of the Indian Majority Act, 1875, is to be deemed not to have attained his majority;

(d) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of Section 2 of the Indian Medical Council Act, 1956, whose name has been entered in a State Medical Register and who has such experience of training in gynaecology and obstetrics as may be prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in the Indian Penal Code, a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act.

(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner, -

(a) where the length of the pregnancy does not exceed twelve weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks, if not less than two registered medical practitioners are,

of opinion, formed in good faith, that -

(i) the continuance of the pregnancy would involve a risk to the life of the pregnancy woman or of 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.

Explanation-I :

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 a grave injury to the mental health of the pregnant woman.

Explanation-II :

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.

(3) In determining whether the continuance of pregnancy would involve such risk of injury to the health as is mentioned in sub-sector, (2) account may be taken of the pregnant woman's actual or reasonable foreseeable environment.

(4) (a) No pregnancy of a woman, who has not attained the age of eighteen years, or, who, having attained the age of eighteen years, is a lunatic, shall be terminated except with the consent in writing of her guardian.

(b) Save as otherwise provided in clause (a), no pregnancy shall be terminated except with the consent of the pregnant woman.

4. No termination of pregnancy shall be made in accordance with the Act at any place other than -

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of this Act by Government.

5. (1) The provisions of Section 4, and so much of the provisions of sub-section (2) of Section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life of the pregnant woman.

(2) Notwithstanding anything contained in the Indian Penal Code, the termination of pregnancy by a person who is not a registered medical practitioner shall be an offence punishable under that Code, and that Code shall, to this extent, stand modified.

Explanation :

For the purposes of this section, so much of provisions of clause (d) of Section 2 as relate to the possession, by a registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.

6. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the experience or training, or both, which a registered medical practitioner shall have if he intends to terminate any pregnancy under this Act; and

(b) such other matters as are required to be or may be, provided by rules made under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules.

7. (1) The State Government may, by regulations,-

(a) require any such opinion as is referred to in sub-section (2) of Section 3 to be certified by a registered medical practitioner or practitioners concerned, in such form and at such time as may be specified in such regulations, and the preservation or disposal of such certificates;

(b) require any registered medical practitioner, who terminates a pregnancy, to give intimation of such termination and such other information relating to the termination as may be specified in such regulations;

(c) prohibit the disclosure, except to such persons and for such purposes as may be specified in such regulations, of intimations given or information furnished in pursuance of such regulations.

(2) The intimation given and the information furnished in pursuance of regulations made by virtue of clause (b) of sub-section (1) shall be given or furnished, as the case may be, to the Chief Medical Officer of the State.

(3) Any person who willfully contravenes or willfully fails to comply with the requirements of any regulation made under sub-section (1) shall be liable to be punished with fine which may extend to one thousand rupees.

8. No suit or other legal proceeding shall lie against any registered medical practitioner for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Family Planning)

New Delhi, the 10th October, 1975

G.S.R. 2543 - In exercise of the powers conferred by Section 6 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement -**

(1) These rules may be called the Medical Termination of Pregnancy Rules, 1975.

(2) They shall come into force on the date of their publication in the Official

2. **Definitions -** In these rules, unless the context otherwise requires,-

(a) "Act means the Medical Termination of Pregnancy Act, 1971 (34 of 1971);

(b) "Chief Medical Officer of the District" means the Chief Medical Officer of a District, by whatever name called;

(c) "Form" means a form appended to these rules;

(d) "Owner" in relation to a place, means any person who is the administrative head or otherwise responsible for the working or maintenance of such hospital or clinic, by whatever name called;

(e) "Place" means such building, tent, vehicle, or vessel, or part thereof, as is used for the establishment or maintenance therein of a hospital or clinic which is used, or intended to be used, for the termination of any pregnancy.

(f) "Section" means a section of the Act.

3. **Experience or training etc. -** 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 immediately before the commencement of the Act, experience in the practice of gynaecology and obstetrics for a period of not less than three

years.

(b) in case of a medical practitioner who was registered in a State Medical Register on or after the date of commencement of the Act,-

(i) if he has completed six months of house surgency in gynaecology and obstetrics; or

(ii) unless the following facilities are provided therein, if he had experience at any hospital for a period of not less than one year in the practice of obstetrics and gynaecology; or

(iii) if he has assisted a registered medical practitioner in the performance of twenty five cases of medical termination of pregnancy in a hospital established or maintained, or a training institute approved for this purpose, by the Government.

(c) In the case of 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.

4. **Approval of a place,-**

(1) 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:-

(a) An operation table and instruments for performing abdominal or gynaecological surgery:

(b) unaesthetic equipment, resuscitation equipment and sterilisation equipment;

(c) drugs and parenteral fluids for emergency use.

(2) Every application for the approval of a place shall be in a Form A and shall be addressed to the Chief Medical Officer of the District.

(3) On receipt of an application referred to in sub-rule (2), the Chief Medical Officer of the district shall verify or enquiry 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 (1) are provided therein, and that termination of pregnancies may be made therein 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 may be done under safe and hygienic conditions, at the place, recommend the approval of such place to the Government.

(6) The Government may 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.

(7) The certificate of approval issued by the Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. **Inspection of a place-**

(1) A place approved under rule 4 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, ampule, 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 shall, so fare as may be, apply to seizure made under sub-rule (2).

6. **Cancellation or suspension of certificate of approval -**

(1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that the facilities specified in rule 4 are not being properly maintained therein and the termination of pregnancy at such place cannot be made under sale and hygienic conditions, he shall make a report of the fact to the Government giving the detail of the deficiencies or defects found at the place. On receipt of such report the Government may, after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended, the owner of the place may make such additions or improvements in the place as he may think fit and there after, he may make an application to the Government for the issue to him of a fresh certificate or approval under rule 4 or, as the case may be, for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall, as far as may, apply to an application for the issue of a fresh certificate of approval in relation to a place, or as the case may be for the revival of a suspended as they apply to an application for the issue of a certificate of approval under that rule.

(4) In the event of suspension of a certificate, of approval, the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. **Review -**

(1) The owner of a place who is aggrieved by an order made under rule 6 may make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may, after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

Form C.

9. **Repeal and Saving -** The Medical Termination of pregnancy Rules, 1972 are hereby repealed except as respects things done or omitted to be done before such repeal.

FORM A

[See sub-rule(2) of rule 4]

Form of application for the approval of a place under clause (b) of Section 4.

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 -

(i) An operation table and instruments for performance abdominal or gynaecological surgery.

(ii) Drugs and parental fluid in sufficient supply emergency cases

(iii) Anaesthetic equipment, resuscitation equipment and sterilisation equipment.

Place :
Date :

Signature of the owner of the place *Strike out whichever is not applicable.

FORM B

[See sub-rule (6) of rule 4]

Certificate of approval.

The place described below is hereby approved for the purpose of the Medical Termination of Pregnancy Act, 1971 (34 of 1971).

Name of the Place
Address and other descriptions
Name of the owner
Place :
Date :

to the Government of the .....

FORM C

(See Rule 8)

I ..... daughter/wife of ..... aged about ..... Years of .....

(here state the permanent address)

at present residing at ..... do hereby give my consent to be 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 lunatic or minor).

I ..... son/daughter/wife of ..... aged about ..... Years of ..... at present residing at ..... (permanent address) ..... do hereby give my consent to the termination of my pregnancy of my ward ..... who is a minor/lunatic at ..... (Place of termination of pregnancy).

Place :

Date :

Signature

SERLA GREWAL, Jt. Secy.

New Delhi, the 10th October, 1975

G.S.R. 2544 - In exercise of the powers conferred by Section 7 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Central Government hereby makes the following regulations , namely:-

1. **Short title extent and commencement -**

(1) These regulations may be called the Medical Termination of Pregnancy Regulations, 1975.

(2) They extend to all the Union territories.

2. **Definitions -** In these regulations, unless the context otherwise requires -

(a) "Act" means the Medical Termination of Pregnancy Act, 1971 (34 of 1971);

(b) "Admission Register" means the register maintained under regulation 5;

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rules, 1975;

(d) 'Chief Medical Officer of the State" means the Chief Medical Officer of the State, by whatever name called;

(e) "Forms" means a form appended to these regulations;

(f) "Hospital" means a hospital established or maintained by the Central Government or, the Government of Union territory.

(g) "Section" means a Section of the Act.

3. **Forms of certifying opinion or opinions -**

(1) Where one registered medical practitioner forms or not less than two registered medical practitioners from such opinion as is referred to in sub-section (2) of Section 3 or 5, he or they shall certify such opinion in Form I.

(2) Every registered medical practitioner who terminates any pregnancy shall, within three hours from the termination of the pregnancy certify such termination in

Form 1.

4. **Custody of forms -**

(1) The consent given by a pregnant woman for the termination of her pregnancy, together with the certified opinion recorded under Section 3 or Section 5, as the case may be and the intimation of termination of pregnancy shall be placed in an envelope which shall be scaled by the registered medical practitioner or practitioners by whom such termination of pregnancy was performed and until that envelope is sent to the head of the hospital or owner of the approved place of the Chief Medical Officer of the State, it shall be kept in the sale custody of the concerned registered medical practitioner or practitioners, as the case may be.

(2) On every envelope referred to in sub-regulation (1), pertaining to the termination of pregnancy under Section 3, there shall be noted the serial number assigned to the pregnant woman in the Admission Register and the name of the registered medical practitioner or practitioners by whom the pregnancy was terminated and such envelope shall be marked **"Secret".**

(3) Every envelope referred to in sub-regulation (2) shall be sent immediately after the termination of the pregnancy to the head of the hospital or owner of the approved place where the pregnancy was terminated.

(4) On receipt of the envelope referred to in sub-regulation (3), the head of the hospital or owner of the approved place shall arrange to keep the same in safe custody.

(5) Every head of the hospital or owner of the approved place shall send to the Chief Medical Officer of the State a weekly statement of cases where medical termination of pregnancy has been done in Form II.

(6) On every envelope referred to in sub-regulation (1), pertaining to a termination of pregnancy under Section 5, shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and the date on which the pregnancy was terminated and such envelopes shall be marked "SECRET".

Explanation - The columns pertaining to the hospital or approved place and the serial number assigned to the pregnant woman in the Admission Register shall be left blank in

Form I in the case of termination performed under Section 5.

(7) Where the Pregnancy is not terminated in an approved place or hospital, every envelope referred to in sub-regulation (6) shall be sent by registered post to the Chief Medical Officer of the State on the same day on which the pregnancy was terminated or on the working day next following the day on which the pregnancy was terminated :

Provided that where the pregnancy is terminated in an approved place or hospital, the procedure provided in sub-regulations (1) to (6) shall be followed.

5. **Maintenance of Admission Register -**

(1) Every head of the hospital or owner of the approved place shall maintain a registered in

Form III for recording therein the admissions or woman for the termination of their pregnancies.

(2) The entrie s in the Admission Register shall be made serially and a fresh serial shall be started at the commencement of each calendar year and the serial umber of the particular year shall be distinguished from the serial number of other years by mentioning the year against the serial number, for example, serial number 5 of 1972 and serial number 5 of 1973 shall be mentioned as 5/1972 and 5/1973.

(3) The Admission Register shall be a secret document and the information contained therein as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. **Admission Register not to be open to inspection -** The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place, or by any person authorised by such head or owner and save as otherwise provided in sub-regulation (5) of regulation 4 shall not be open to inspection by any person except under the authority of:-

(i) in the case of a departmental or other enquiry, the Chief Secretary to the Government of a Union territory;

(ii) in the case of an investigation into an offence a Magistrate of the First Class within the local limits or whose jurisdiction the hospital or approved place is situated;

(iii) in the case of suit or other action for damages, the District Judge, within the local limits of whose jurisdiction the hospital or approved place is situated:

Provided that the registered medical practitioner shall, on the application of an employed woman whose pregnancy has been terminated, grant a certificate for the purpose of enabling her to obtain leave from her employer :

Provided further that any such employer shall not disclose this information to any other person.

7. **Entries in registers maitained in hospital or approved place -** 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 indicating therein the name of the pregnant woman and reference to the pregnant woman shall be made therein by the serial number assigned to such woman in the Admission Register.

8. **Destruction of Admission Register and other Papers -** Save as otherwise directed by the Chief Secretary to the Union territory Administration or for in relation to any proceeding pending before him, as directed by a District Judge or a Magistrate of the First Class, every Admission Register shall be destroyed on the expiry of a period of five years from the date of the last entry in that Register and other papers on the expiry of a period of three years from the date of termination of the pregnancy concerned.

"SECRET"

FORM I

(See Regulation 3)

.....

(Name and qualifications of the Registered Medical Practitioner in block letters)

.....

(Full address of the Registered Medical Practitioner in block letters)

.....

(Name and qualifications of the Registered Medical Practitioner in block letter)

.....

(Full address of the Registered Medical Practitioner in block letters)

I .....

(Name and qualifications of the Registered Medical Practitioner in block letters)

..... (Full address of the Registered Medical Practitioner) hereby certify that *I/We/am/are of opinion, formed in good faith, that it is necessary to terminate the pregnancy of ..... (Full name of pregnant woman in block letters) resident of ..... (Full address of woman in block letters) for the reasons given below**.

I/We hereby give intimation that *I/We terminated the pregnancy of the woman referred to above who bears the serial No. ..... in the Admission Register of the Hospital/approved place.

Place :

Date :

Signature of
Registered Medical Practitioner
Signatures of Registered
Medical Practitioners *Strike out whichever is not applicable.

** of the reasons specified items (i) to (v) write the one which is appropriate:-

(i) In order to save the life of the pregnant woman.

(ii) In order to prevent grave injury to the physical or mental health of the pregnant woman.

(iii) In view of the substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(iv) As the pregnancy is alleged by pregnant woman to have been caused by rape. (v) As the pregnancy has occurred as a result of failure of any contraceptive device or methods used by married woman or her husband for the purpose of limiting the number of children.

Note:- Account may be taken of the pregnant woman's actual or reasonably foreseeable environment in determining whether the Continuance of a pregnancy would involve a grave injury to her physical or mental health.

Place :

Date :

Signature of the
Registered Medical Practitioner
Signatures of the
Registered Medical Practitioners

FORM II

[See Regulation 4 (5)]

1. Name of the State .....
2. Name of Hospital/approved place .....
3. Duration of pregnancy (give total No. only)
4. (a) Upto 12 weeks .....
   (b) Between 12-20 weeks .....
5. Religions of women :
6. (a) Hindu
   (b) Muslim
   (c) Christian
   (d) Others
   (e) Total

Termination with acceptance of contraception:

(a) Sterilisation
(b) I.U.D.

Reasons for termination: (Give total number under each sub-head):

(a) Danger to life of the pregnant woman.
(b) Grave injury to the physical health of the pregnant woman.
(c) Grave injury to the mental health of the pregnant woman.
(d) Pregnancy caused by rape.
(e) Substantial risk that if the child was born, it would suffer from such physical or mental abnormalities as to be seriously handicapped. (f) Failure of any contraceptive device or method.

Signature of the Officer Incharge with date

FORM III
(See Regulation 5)
ADMISSION REGISTER

(To be destroyed on the expiry of five years from the dated of the last entry in the register)

S.No.	Date of Admission	Name of Patient	Wife/ Daughter	Age	Religion	Address	Duration of Pregnancy
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Reasons on which Pregnancy is terminated	Date of termination of Pregnancy	Date of discharge of Patient	Result and Remarks	Name of Registered Medical Practitioner(s) by whom the opinion is formed	Name of Registered Medical Practitioner by whom Pregnancy is terminated
(9)	(10)	(11)	(12)	(13)	(14)

SERLA GREWAL, Jt. Secy.

Dated 18-10-75

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MINISTRY OF HEALTH AND FAMILY PLANNING

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