

Chapter-12

Medical Termination of Pregnancy Act and Rules

Medical Termination of Pregnancy Act and Rules – basic understanding/salient features

Introduction:

- The medical termination of pregnancy act (MTP Act) is linked with abortion practices. It has been recently amended in the year 2020 and has been in effect since 1971. According to the amendment, the period within which abortion can be done has been increased.
- The abortion can now be done within the period of 20 to 24 weeks. As per the rules under the act of “medical termination of pregnancy” the consent of the women which is considered to be of utmost priority.
- However, in case the pregnancy happens to a girl who is below 18 years of age, in that case the guardians hold the right to decide about aborting the child.
- This law has the objective of protecting the interest of girl children within the society and also giving priority to the opinion of a would-be mother.

Medical Termination of Pregnancy Act and Rules – basic understanding:

- The Medical Termination of Pregnancy Act (MTP Act) is a legislation enacted by the Indian Parliament in 1971, which allows women to terminate a pregnancy under certain conditions.
- The act permits the termination of pregnancy up to 20 weeks of gestation, but beyond that, it requires the approval of a medical board.

The MTP Act also lays down certain conditions that need to be fulfilled for the termination of pregnancy. These include:

1. **Consent:** The woman's consent is mandatory for the termination of pregnancy.

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2. **Reason:** The termination of pregnancy must be carried out for reasons such as the woman's health, her life, contraceptive failure, or rape.
3. **Medical Practitioner:** The termination must be performed by a registered medical practitioner.
4. **Place:** The termination must be carried out in a registered medical facility.
5. **Time:** The termination can only be performed within the first 20 weeks of pregnancy, beyond that, it requires the approval of a medical board.

The MTP Act also lays down guidelines for the establishment of medical facilities for the termination of pregnancy, training and qualification of medical practitioners, and the procedure for the approval of medical boards.

Salient features of Medical Termination of Pregnancy Act and Rules:

The Medical Termination of Pregnancy Act, 1971 is an Indian law that regulates the conditions under which a pregnancy can be terminated. Here are some of the salient features of the MTP Act, 1971:

1. **Legalization of Abortion:** The MTP Act legalized abortion in India, subject to certain conditions.
2. **Conditions for Abortion:** The MTP Act allows for abortion if the pregnancy poses a risk to the physical or mental health of the mother, if there is a risk of the child being born with physical or mental abnormalities, or if the pregnancy is a result of rape or failure of contraception.
3. **Time Limit for Abortion:** The Act permits abortion up to 20 weeks of pregnancy. However, in certain cases, such as when the woman's life is in danger or in case of fetal abnormalities, abortion can be carried out beyond the 20-week limit.
4. **Who can Perform Abortions:** The Act permits only registered medical practitioners to perform abortions. In addition, the Act requires that certain qualifications and experience be met by the medical practitioner performing the abortion.
5. **Consent:** The Act requires that the woman seeking an abortion must give her informed consent, and the consent of the spouse, if married, is also required in certain cases.
6. **Confidentiality:** The Act ensures confidentiality for women seeking an abortion, and prohibits disclosure of the identity of the woman seeking an abortion, except in certain circumstances.
7. **Establishment of Committees:** The Act mandates the establishment of committees to oversee the implementation of the law and to ensure that the procedure is being carried out safely and legally.
8. **Penalties:** The Act provides for penalties for non-compliance with the provisions of the law, including imprisonment and fines.