

Medical Termination of Pregnancy (MTP) Act, 1971

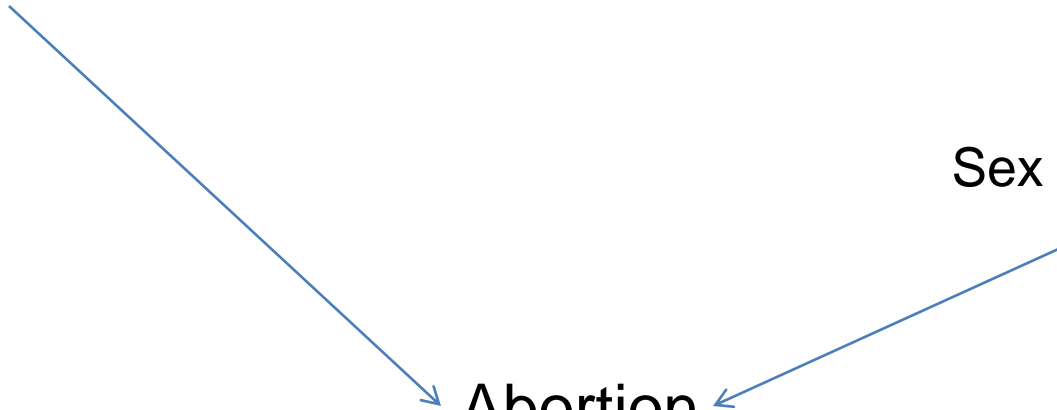
Reasons for Abortion

Unwanted sex
Sexual violence
Unwanted pregnancy

Desire for son

Sex determination

Abortion



MTP Act: Objectives

MTP Act

- Aims to improve the maternal health scenario by preventing large number of unsafe abortions and consequent high incidence of maternal mortality & morbidity
- Legalizes abortion services
- Promotes access to safe abortion services to women
- Offers protection to medical practitioners who otherwise would be penalized under the Indian Penal Code (sections 315-316)

Legal framework

- MTP Act
 - lays down when & where pregnancies can be terminated
 - Grants the central govt. power to make rules and the state govt. power to frame regulations
- MTP Rules
 - lays down who can terminate the pregnancy, training requirements, approval process for place, etc.
- MTP Regulations
 - lays down forms for opinion, maintenance of records
 - custody of forms and reporting of cases

Legal abortions

Abortions are termed legal only when all the following conditions are met:

- Termination done by a medical practitioner approved by the Act
- Termination done at a place approved under the Act
- Termination done for conditions and within the gestation prescribed by the Act
- Other requirements of the rules & regulations are complied with

When can pregnancies be terminated?

- RMP shall not be guilty of offence under law
- Up to 20 weeks gestation
- With the consent of the women. If the woman is below 18 years or is mentally ill, then with consent of a guardian
- With the opinion of a registered medical practitioner, formed in good faith, under certain circumstances
- Opinion of two RMPs required for termination of pregnancy between 12 and 20 weeks

MTP Act: Application

- Continuation of pregnancy constitutes risk to the life or grave injury to the physical or mental health of woman
- Substantial risk of physical or mental abnormalities in the fetus as to render it seriously handicapped
- Pregnancy caused by rape (presumed grave injury to mental health)
- Contraceptive failure in married couple (presumed grave injury to mental health)

MTP Act: Place for conducting MTP

- A hospital established or maintained by Government
- or
- A place approved for the purpose of this Act by a District-level Committee constituted by the government with the CMHO as Chairperson

MTP Act amendment 2002

- Decentralizes site registration to a 3-5 member district level committee chaired by the CMO/DHO
- Approval of sites that can perform MTPs under the act can now be done at the district level
- Stricter penalties for MTPs being done in a un-approved site or by a persons not permitted by the act

Medical Abortion

- MTP using Mifepristone (RU 486) & Misoprostol approved for up to 7 weeks termination
- Only an RMP (as defined by the MTP Act) can prescribe the drugs
- Has to follow MTP Act, Rules & Regulations
- Can prescribe in his/her clinic, provided he/she has access to an approved place
- Should display a certificate from owner of approved place agreeing to provide access

Implications of amendments

- Simplifies registration of sites which can be done at district level now
- Providers can get their sites approved for providing abortions under the MTP Act for 1st trimester only or up to 20 weeks and thereby come under the protective cover of the MTP Act

Implications of amendments

- Offers potential to increase number of approved sites, which would enable women to access safe abortion services
- Effective implementation will help to bring all abortions within legal frame work

MTP rules: what do they cover?

- Experience & training required for providers
- Approval of a place for terminating pregnancy under the Act
- Composition & tenure of District Level Committee
- Inspection, cancellation or suspension of approval; review
- Consent form

MTP rules: Who can perform?

A medical practitioner (RMP)

- who has a recognized medical qualification as defined in clause (h) of section 2 of Indian Medical Council Act, 1956
- Whose name has been entered in a State Medical Register and
- Who has such experience or training in Gynecology and Obstetrics as prescribed by Rules made under the Act

MTP rules: training requirement - 1

For termination up to 12 weeks:

- A practitioner who has assisted a registered medical practitioner in performing 25 cases of MTP of which at least 5 were performed independently in a hospital established or maintained or a training institute approved for this purpose by the Government

MTP rules: training requirement - 2

For termination up to 20 weeks

- A practitioner who holds a post-graduate degree or diploma in Obstetrics and Gynecology
- A practitioner who has completed six months house job in Obstetrics and Gynecology
- A practitioner who has at least one-year experience in practice of Obstetrics and Gynecology at a hospital which has all facilities
- A practitioner registered in state medical register immediately before commencement of the Act, experience in practice of Obstetrics and Gynecology for a period not less than three years.

Approval of a place by trimester

For sites up to 12 weeks (1st trimester)

- Gynecology examination/ labor table
- sterilization equipment
- Drugs & parental fluids
- Back up facilities for treatment of shock
- Facilities for transportation

Approval of a place by trimester

For sites up to 20 weeks (1st and 2nd trimester):

- All requirements for up to 12 weeks +
- Operation table and instruments for performing abdominal or gynecological surgery
- Anesthetic equipment, resuscitation equipment and sterilization equipment
- Drugs & parental fluids notified for emergency use, notified by Government of India from time to time

Regulatory body: D L C

- District level MTP Committee
 - Minimum of 3 & Maximum of 5 members including chairperson (CM H O)
- Composition of the committee:
 - One medical person (Gyne/Surgeon/Anestheist)
 - One member from local medical profession; NGO & Panchayati Raj Institution of the district.
 - At least one member shall be a woman.
- Tenure 2 calendar years
 - NGO members shall not have more than 2 terms

Approval Process

- Application in Form A to be addressed to CMHO by place seeking approval
- CMHO verifies or inspects the place to satisfy that termination can be done under safe & hygienic conditions
- CMHO recommends approval to the committee
- Committee considers application & recommendation and approve and issue certificate of approval in Form B

Approval Process

- Place to be inspected within 2 months of receiving application
- Certificate to be issued within 2 months of inspection
- If deficiency found, within 2 months of deficiency having been rectified

Inspection

- CMHOs to inspect to ensure safe & hygienic conditions for conduction of MTPs.
- Call for information and seize in case found otherwise

Cancellation/ Suspension

- CMHO to report the committee for unsafe and unhygienic conditions.
- Committee can suspend or cancel approval after giving the owner an opportunity for representation
- Owner can reapply to the committee after making additions and improvements.
- During suspension the place be deemed as non-approved