

Government of India
Ministry of Health & Family Welfare
Maternal Health Division

Notification
No. 12015/49/2008-MCH

New Delhi, the 29th of October, 2014

Ministry of Health & Family Welfare, Government of India is proposing to bring amendments in some provisions of The Medical Termination of Pregnancy Act, 1971. A copy of the draft MTP (amendment) Bill is enclosed herewith to solicit the views/suggestions from the interested stakeholders and general public and the same may be sent through email on saurabh.mittal89@nic.in on or before 10th November, 2014.



(D.N. Sahoo)

Under Secretary to the Govt. of India

Department of Health and Family Welfare
DRAFT MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) BILL, 2014

	THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) BILL, 2014	
	A BILL	
	<i>further to amend the Medical Termination of Pregnancy Act, 1971.</i>	
	BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:-	
	1. (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2014.	Short title and commencement.
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
34 of 1971.	2. In the Medical Termination of Pregnancy Act, 1971(hereinafter referred to as the principal Act), in the long title, for the words "by registered medical practitioners", the words "by registered health care providers" shall be substituted.	Amendment of long title.

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<p>3. In section 2 of the principal Act, for clause (d), the following clauses shall be substituted, namely:-</p> <p>‘(d) “registered health care provider” means –</p> <p>(I) 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 Indian Medical Register or State Medical Register; or</p> <p>(II) a practitioner who possesses–</p> <p>(i) any recognised medical qualification of Ayurveda, Unani or Siddha as defined in clause (h) of section 2 of the Indian Medicine Central Council Act, 1970, whose name has been entered in the Central Register or State Register of Indian medicine; or</p> <p>(ii) any recognised medical qualification of Homoeopathy as defined in clause (g) of section 2 of the Homoeopathy Central Council Act, 1973, whose name has been entered in the Central Register or State Register of Homoeopathy; or</p> <p>(III) a nurse or auxiliary nurse midwife who possesses any recognised qualification in general nursing or auxiliary nurse midwifery as defined in section 10 of the Indian Nursing Council Act, 1947 and who has been enrolled as a nurse or auxiliary nurse midwife in the Indian Nurses Register or the State Register;</p> <p>(e) “prescribed” means prescribed by rules made under this Act;</p> <p>(f) “termination of pregnancy” means a procedure to terminate a pregnancy by using medical or surgical methods.’</p> <p>4. In section 3 of the principal Act, -</p> <p>(i) for the words “registered medical practitioners”, wherever they occur, the words “registered health care providers” shall be substituted;</p> <p>(ii) for sub-section (2), the following sub-section shall be substituted, namely: – “(2) Subject to the provisions of sub-section (4), a</p>	<p>Amendment of section 2.</p> <p>102 of 1956</p> <p>48 of 1970</p> <p>59 of 1973</p> <p>48 of 1947</p> <p>Amendment of section 3.</p>
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	<p>pregnancy may be terminated by a registered health care provider,—</p> <p>(a) on request of a woman, where the length of the pregnancy does not exceed twelve weeks;</p> <p>(b) (i) where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks; or (ii) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks and the woman falls in one of the categories, as may be prescribed,</p> <p>if such health care provider is of the opinion, formed in good faith, that —</p> <p>(A) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or</p> <p>(B) there is a substantial risk that if the child were born, it would suffer from serious physical or mental abnormalities;</p> <p><i>Explanation.</i>— For the purposes of this clause,—</p> <p>(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;</p> <p>(ii) where any pregnancy occurs as a result of failure of any device or method used by any woman or her partner for the purpose of limiting the number of children or preventing pregnancy, the anguish caused by such pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.</p> <p>(C) the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy shall not apply to the termination of a pregnancy by a registered health care provider where the termination of such pregnancy is necessitated by the diagnosis of any of the substantial foetal abnormalities as may be prescribed.”</p>	
<p>Qualification, training, experience, etc of registered health care providers.</p>	<p>5. After section 3 of the principal Act, the following section shall be inserted, namely:—</p> <p>“3A. (1) For the purposes of clause (d) of section 2, the training, experience and the methods to be adopted by the registered health care providers who are qualified to terminate the pregnancy, shall be such, as may be prescribed.</p> <p>(2) For the purpose of sub-section (1), the place where the pregnancy may be terminated, the modalities of diagnosis, record keeping and other matters, in addition to the provisions of section 4, shall be such, as may be prescribed.”</p>	<p>Insertion of new section 3A.</p>
<p>Substitution of</p>	<p>6. For section 5, the following sections shall be substituted,</p>	<p>Sections 3 and 4</p>

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section 5.	namely:- “5. 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 a registered health care provider shall not apply to the termination of a pregnancy by a registered health care provider in case where he is of the opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life of the pregnant woman.”.	when not to apply.
	5A. /No registered health care provider shall reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act.	Protection of privacy of a woman.
45 of 1860.	5B. (1) Notwithstanding anything contained in the Indian Penal Code, the termination of pregnancy by a person who is not a registered health care provider shall be an offence punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.	Offences and penalties.
	(2) Whoever terminates any pregnancy in a place other than a place mentioned in section 4, shall be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.	
	(3) Any person being the owner of a place, which is not approved under clause (b) of section 4, shall be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.	
	<i>Explanation.</i> — For the purposes of this sub-section, the expression “owner”, in relation to a place, means any person who is the administrative head or otherwise responsible for the working or maintenance of a hospital or place, by whatever name called, where the pregnancy may be terminated under this Act.	
	(4) Whoever contravenes the provisions of section 9 shall be punishable with imprisonment which may extend to one year, or with fine, or with both.”.	
Amendment of section 6.	7. In section 6 of the principal Act, in sub-section (2),— (i) in clause (a), for the words “registered medical practitioner”, the words “health care provider” shall be substituted; (ii) after clause (a), the following clauses shall be inserted, namely:— “(aa) the categories of woman under sub-clause (ii) of clause (b) of sub-section (2) of section 3;	

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	<p>(ab) the categories of registered health care providers who are qualified to terminate the pregnancy, the training and experience of such registered health care providers and the methods to be adopted by them in terminating the pregnancy under sub-section 3A;</p> <p>(ac) the place where the pregnancy may be terminated, keeping of records and other matters under sub-section (2) of section 3A;</p> <p>(ad) the categories of substantial foetal abnormalities under sub-section (2) of section 5.”</p>	
Amendment of section 7.	<p>8. In section 7 of the principal Act, in sub-section (1),-</p> <p>(i) in clause (a), for the words “the registered medical practitioner”, the words “the registered health care provider” shall be substituted;</p> <p>(ii) in clause (b), for the words “registered medical practitioner”, the words “registered health care provider” shall be substituted.</p>	
Amendment of section 8.	<p>9. In section 8 of the principal Act, for the words “registered medical practitioner”, the words “registered health care provider” shall be substituted.</p>	