THE MEDICAL TERMINATION OF PREGNANCY RULES, 2003

[GSR No. 485(E), dt. 13-6-2003]

(As amended vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021)

In exercise of powers conferred by section 6 of the Medical Termination of Pregnanc 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, 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,—

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

(b) "Chief Medical Officer" 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 a hospital or place, by whatever name called, where the pregnancy may be terminated under this Act;

(e) "Committee" means a committee constituted at the district level under the proviso to clause (b) of section 4, read with rule 3;

[1][(f) "Medical Board" means the Medical Board constituted under sub-section (2C) of section 3 of the Act.]

3. Composition and tenure of District Level Committee

(1) One member of the District Level Committee shall be the Gynaecologist/Surgeon/ Anesthetist and other members from the local medical profession, non-Governmental organisations, 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.

[1][**3A. Powers and functions of Medical Board**

For the purposes of section 3,—

(a) the powers of the Medical Board shall be the following, namely:—

(i) to allow or deny termination of pregnancy beyond twenty-four weeks of gestation period under sub-section (2B) of the said section only after due consideration and ensuring that the procedure would be safe for the woman at that gestation age and whether the foetal malformation

1 Inserted vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021.

has substaintial risk of it being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped;

(ii) co-opt other apecialists in the Board and ask for any additional investigations if required, for deciding on the termination of pregnancy;

(b) the functions of the Medical Board shall be the following, namely:—

(i) to examine the woman and her reports, who may approach for medical termination of pregnancy under sub-section (2B) of section 3;

(ii) provide the opinion of Medical Board in Form D with regard to the termination of pregnancy or rejection of request for termination within three days of receiving the request for medical termination of pregnancy under sub-section (2B) of section 3;

(iii) to ensure that the termination procedure, when advised by the Medical Board, is carried out with all safety precautions along with appropriate counselling within five days of the receipt of the request for medical termination of pregnancy under sub-section (2B) of section 3.

3B. Women eligible for termination of pregnancy up to twenty-four weeks

The following categories of women shall be considered eligible for termination of pregnancy under clause (b) of sub-section (2) of section 3 of the Act, for a period of up to twenty-four weeks, namely:—

(a) survivors of sexual assault or rape or incest;

(b) minors;

(c) change of marital status during the ongoing pregnancy (widowhood and divorce);

(d) women with physical disabilities [major disability as per criteria laid down under the Rights of Persons with Disabilities Act, 2016 (49 of 2016)];

(e) mentally ill women including mental retardation;

(f) the foetal malformation that has substantial risk of being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped; and

(g) women with pregnancy in humanitarian settings or disaster or emergency situations as may be declared by the Government.]

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 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 the case of a medical practitioner, who is registered in a State Medical Register:

(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

(c) if he has assisted a Registered Medical Practitioner in the performance of twenty-five cases of medical termination of pregnancy of which at least five have been performed independently, in a hospital 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 (upto 12 weeks of gestation).

(ii) For terminations upto [1][twenty-four weeks] the experience or training as prescribed under sub-rules (a), (b) and (d) shall apply.

[2][(ca) A Registered Medical Practitioner shall have the following experience and training for conducting termination of pregnancy upto nine weeks of gestation period by medical methods of abortion, namely:—

(i) experience at any hospital for a period of not less than three months in the practice of obstetrics and gynaecology; or

(ii) has independently performed ten cases of pregnancy termination by medical methods of abortion under the supervision of a Registered Medical Practitioner in a hospital established or maintained, or a training institute approved for this purpose, by the Government.]

(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.

[2][**4A.** (1) For the purposes of sub-section (2A) of section 3 of the Act, the opinion of Registered Medical Practitioner which is required for termination of pregnancy at different gestation ages shall be the following, namely:—

(a) till nine weeks of gestation period, by Medical Methods of Abortion: Registered Medical Practitioner eligible under clauses (a), (b), (c), (ca) and (d) of rule 4;

(b) till twelve weeks of gestation period, by surgical method: Registered Medical Practitioner eligible under clauses (a), (b), (c) and (d) of rule 4;

(c) beyond twelve weeks till twenty weeks of gestation period : Registered Medical Practitioner eligible under clauses (a), (b) and (d) of rule 4.

(2) For the purposes of sub-section (2A) of section 3 of the Act, the opinion of two Registered Medical Practitioners eligible under clauses (a), (b) and (d) of rule 4, which is required for termination of pregnancy beyond twenty weeks till twenty-four weeks of gestation period, shall be in Form E.

(3) For the purposes of sub-section (2B) of section 3, the opinion for medical termination of pregnancy beyond twenty-four weeks gestation period: Shall be given by a Medical Board duly constituted by the respective State Government or Union territory Administration at approved facilities and two Registered Medical Practitioners eligible under clauses (a), (b) and (d) of rule 4, shall perform the termination of pregnancy based on the decision of such Medicla Board.]

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1 Substituted for "twenty-weeks" vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021.
2 Inserted, ibid.

5. 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:—

in case of first trimester, that is, upto 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 [1][for transportation;]

in case of second trimester, that is upto[2][twenty-four 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 [3][the Central Government from time to time; and]

[4][in case of termination beyond twenty-four weeks of pregnancy:—

(a) an operation table and instruments for performing abdominal or gynaecological surgery;

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

(c) availability of drugs, parental fluids and blood for emergency use, as may be notified by the Central Government from time to time; and

(d) facilities for procedure under ultrasound guidance.]

Explanation : In the case of termination of early pregnancy up to [5][nine 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 MTP 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 a 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 (1) 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 may

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1 Substituted for "for transportation; and" vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021.
2 Substituted for "20 weeks" vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021.
3 Substituted for "Government of India from time to time", ibid.
4 Inserted, ibid.
5 Substituted for "seven weeks", ibid.

be done under safe and hygienic conditions, at the place, recommend the approval of such place to the Committee.

(6) The Committee 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 Committee shall be conspicuously displayed 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

(1) 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

(1) 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

(1) 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 within 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.

9. Form of consent

The consent referred to in sub-section (4) of section 3 shall be given in Form C.

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.

[1]**[FORM A**

[Refer sub-rule (2) of rule 5]

FORM OF APPLICATION FOR THE APPROVAL OF A PLACE UNDER CLAUSE (b) OF SECTION 4 OF THE ACT

Category of approved place:

(A) Pregnancy can be terminated upto twelve weeks

(B) Pregnancy can be terminated upto twenty-four weeks

(i) Name of the place (in capital letters):

(ii) Address in full:

(iii) Non-Government or Private or Nursing Home or Other Institutions:

(iv) State, if the following facilities are available at the place:

CATEGORY A

(i) Gynaecological examination or labour table.

(ii) Resuscitation equipment.

(iii) Sterilization equipment.

(iv) Facilities for treatment of shock, including emergency drugs.

(v) Facilities for transportations, if required.

CATEGORY B

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

(ii) Drugs and parental fluids in sufficient supply for emergency cases.

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

Place :

Date : Signature of the owner of the place]

FORM B

[Refer sub-rule (6) of rule 5]

CERTIFICATE OF APPROVAL

The place described below is hereby approved for the purpose of the Medical Termination 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 : To the Government of the .....

1 Substituted vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021.

FORM C

[Refer rule 9]

I ..... daughter/wife of ..... aged about ..... years of ..... (here state the permanent address) at present residing at ..... do hereby give my consent to the 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)

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

Place :

Date : Signature

[1][FORM D

[Refer sub-clause (ii) of clause (b) of rule 3A]

REPORT OF THE MEDICAL BOARD FOR PREGNANCY TERMINATION BEYOND 24 WEEKS

Details of the woman seeking termination of pregnancy:

1. Name of the woman:
2. Age:
3. Registration/Case Number:
4. Available reports and investigations:

S. No.	*Report*	*Opinion on the findings*

5. Additional Investigations (if done):

S. No.	*Investigations done*	*Key findings*

1 Inserted vide GSR 730(E), dt. 12-10-2021, w.e.f. 12-10-2021.

6. Opinion by Medical Board for termination of pregnancy:
   (a) Allowed
   (b) Denied

Jurisdiction for the decision:

7. Physical fitness of the woman for the termination of pregnancy:
   a. Yes
   b. No

Members of the Medical Board who reviewed the case:

S. No.	*Name*	*Signature*

Date and Time: .....

FORM E

[Refer sub-rule (2) of rule 4A]

OPINION FORM OF REGISTERED MEDICAL PRACTITIONERS

(For gestation age beyond twenty weeks till twenty-four weeks)

I.....

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

.....

(Full address of the Registered Medical Practitioner)

I.....

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

.....

(Full address of the Registered Medical Practitioner)

hereby certify that we are of opinion, formed in good faith, that it is necessary to terminate the pregnancy of .....

(Full name of pregnant woman in block letters)

residentof.....

(Full address of pregnant woman in block letters)

which is beyond twenty weeks but till twenty-four weeks under special circumstances as given below*.

*Specify the circumstance(s) from (a) to (g) appropriate for termination of pregnancy beyond twenty weeks till twenty-four weeks:

(a) Survivors of sexual assault or rape or incest
(b) Minors
(c) Change of marital status during the ongoing pregnancy (widowhood and divorce)
(d) Women with physical disabilities [major disability as per criteria laid down under the Rights of Persons with Disabilities Act, 2016 (49 of 2016)]

(e) Mentally ill women including mental retardation

(f) The foetal malformation that has substantial risk of being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped.

(g) Women with pregnancy in humanitarian settings or disaster or emergency situations as declared by Government

We hearby give intimation that we terminated the pregnancy of the woman referred to above who bears the Serial No. ..... in the Admission Register of the hospital/approved place.

Signature of the Registered Medical Practitioner

Signature of the Registered Medical Practitioner

Place:

Date:

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

FORM II

[Refer Regulation 4(5)]

1. Name of the State
2. Name of the Hospital/approved place
3. Duration of pregnancy (give total No. only)
   (a) Upto 12 weeks.
   (b) Between 12 - 20 weeks
4. Religion of woman
   (a) Hindu
   (b) Muslim
   (c) Christian
   (d) Others
   (e) Total
5. Termination with acceptance of contraception.
   (a) Sterilisation.
   (b) I.U.D.
6. 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 In-charge with date

FORM III

[Refer Regulation 5]

ADMISSION REGISTER

[To be destroyed on the expiry of five years from the date of the last entry in the Register]

S. No.	*Date of Admission*	*Name of the Patient*	*Wife/Daughter of*	*Age*	*Religion*	*Address*
1.	*2.*	*3.*	*4.*	*5.*	*6.*	*7*

Duration of Pregnancy	*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(s) by whom Pregnancy is terminated*
8.	*9.*	*10.*	*11.*	*12.*	*13.*	*14*