

DOCTORS OBLIGATIONS / DUTIES UNDER THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

I. Who can conduct a MTP (Medical Termination of Pregnancy)

Only a Registered Medical Practitioner (RMP) as defined in section 2 (d) of MTP Act can conduct MTP.

Essential requirements of a RMP

The Act defines a Registered Medical Practitioner (RMP), in section 2(d), as a medical practitioner:

- a. who possesses any recognized medical qualification as defined in section 2(h) of the Indian Medical Council Act, 1956.
- b. Whose name has been entered in a State Medical Register, and
- c. Who has such experience or training in gynaecology and obstetrics as may be prescribed by the rules made under this Act.

Additional experience required

Rule 4 of the MTP Rules provides that a RMP is required to have one or more of the following experience or training in gynaecology and obstetrics in addition to the above requirements.

For RMP's conducting MTP's within the 12 week period

Rule 4(3) requires such RMP should have the experience of assisting an RMP in the performance of 25 cases of medical termination of pregnancy, out of which he has performed at least 5 independently, in a hospital established or maintained, or a training institute approved for this purpose by the Government.

For RMP's conducting MTP's after the 12 week period (and upto 20 weeks).

- a. In case of a medical practitioner registered in a State Medical Register-
 - (i) The completion of 6 months of house surgery in gynaecology and obstetrics,

- (ii) In the event that such facilities were not available to him / her the experience of one year or more in the practice of gynaecology and obstetrics at any hospital
- b. In case of medical practitioner, registered in a State Medical Register and holds a post-graduate degree or diploma in gynecology and obstetrics, the experience or training gained during the course of such degree or diploma.

For RMPs Registered Prior to the Enactment of the MTPA

In case of medical practitioner, registered in State Medical Register immediately before the commencement of the Act, an experience of not less than 3 year in the practice of gynecology and obstetrics.

II Where can a MTP be conducted?

Place where pregnancy may be terminated.

Section 4 of the MTP Act and the Rules provides that MTP's can only be conducted at one of the following kinds of places-

- (i) a hospital established or maintained by Government, or
- (ii) a place approved by Government or a District level Committee.

III. When pregnancies may be terminated by registered medical practitioners-

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 pregnant 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 1.- 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 2.- 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.

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

- (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 (mentally ill person), 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.

IV. Record-Keeping

One of the important methods used for monitoring the implementation of the law is that of record keeping. The maintenance of forms also meets the objective of recording the number of MTP procedures conducted. Given the subject matter of the records absolute confidentiality has to be maintained. The kind of records to be maintained is contained in the MTP Rules and MTP Regulations. They are as follows :-

Consent Form

The consent of the woman undergoing the medical termination has to be recorded in Form C contained in MTP Rules. This consent has to be obtained prior to the procedure being conducted. It must be noted that the law requires only the woman's consent and not any other person's (including the spouse).

Opinion of RMPs

Opinions of RMPs prior to conducting the MTP procedure have to be recorded in Form I of the MTP Regulations. These forms allow for the recording of the opinions of one or two RMPs as the case may be.

In the event that this form is not filled in prior to the procedure being conducted the RMP can certify the termination of pregnancy within 3 hours of the procedure being conducted.

Maintenance of Admission Register

Every head of the hospital /owner of the approved place is required to maintain a register in Form III for recording therein the details of the admission of women for the termination of their pregnancies. Such register is required to be kept for a period of 5 years from the year it related to.

The entries in the Admission Register are to be made-

1. Serially, with a fresh serial to be started at the commencement of a new year,
2. the serial number of a particular year will be distinguished from the serial numbers of other years by mentioning the year against the serial number.

In addition to the aforementioned, Registered Medical Practitioners are advised to apprise themselves of the provisions of MTP Act, 1971, MTP Rules 2003, MTP Regulations, 2003, so that the same are adhered to in letter and spirit, in discharge of their professional obligations.

(Dr. Girish Tyagi)
Secretary