

## THE MEDICAL TERMINATION OF PREGNANCY ACT

No. 34 OF 1971

10th August 1971

An Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto

Be it enacted by Parliament in the Twenty – second year of the Republic of India as follows :

### 1.

- (1) This Act may be called the Medical Termination of Pregnancy Act, 1971.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,-

- (a) "guardian" Means a person having the care of the person of a minor or Lunatic ;
- (b) "Lunatic" has the meaning assigned to it in section 3 of the Indian Lunacy Act, 1912 ;
- (c) "Minor" means a person who under the provisions of the Indian Majority Act, 1875, is to be deemed not to have attained his majority;
- (d) "Registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of Indian Medical Council Act, 1956, whose name has been entered in State Medical Register and who has such experience or training in gynecology and obstetrics as may be prescribed by rules made under this Act,

### 3.

- (1) Notwithstanding anything contained in the Indian Penal Code a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act.
- (2) Subject to the provisions of sub-section(4) a pregnancy may be terminated by a registered medical practitioner ;

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department Of Family Planning)

Notification

New Delhi, dated the 10th October, 1975

G.S.R ..... In exercise of the powers conferred by section 6 of the Medical Termination of Pregnancy 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, 1975.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

- (a) "Act" means the Medical Termination of Pregnancy Act 1971, (4 of 1971).
- (b) "Chief Medical Officer of the District" 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 such hospital or clinic, by whatever name called ;
- (e) "Place" means such building tent, vehicle or vassel or part thereof as is used for the establishment or maintenance therein of a hospital or clinic which is used or intended to be used for the termination of any pregnancy ;
- (f) "Section" means a Section of the Act.

**3. Experience of training etc :-** For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience of training in Gynecology 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 –

(b) In the case of a Medical Practitioner who was registered in a State Medical Register on or after the date of commencement of the Act – Experience in the practice of Gynecology and obstetrics for a period of not less than three years.

(i) if he has completed six months of house surgery in Gynecology and obstetrics ; or

(ii) where he has not done any such house surgery if he had experienced at any hospital for a period of not less than one year in the practice of obstetrics and gynecology : or,

(iii) if he has assisted a registered Medical practitioner in the performance of twenty five cases of Medical termination of pregnancy in a hospital established or maintained or a training institute approved for this purpose by the Government.

(c) in the case of a medical practitioner who has been registered in a state medical Register and who holds a post graduate degree or diploma in gynecology and obstetrics, the experience of training gained during the course of such degree or diploma.

**4. 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 there in under safe and hygienic conditions ; and

(ii) Unless the following facilities are provided therein namely :

(a) an operation table and instrument for performing abdominal or gynecological

surgery ;

(b) anesthetic equipment resuscitation equipment and sterilisation equipment :

(c) drugs and parenteral fluids for emergency use.

(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 referred to in sub-rule (2) the chief Medical Officer of the District shall verify or enquire 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 therein and that termination of pregnancies may be made therein 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 be done under safe and hygienic conditions at the place recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendation 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 Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. Inspection of the place :

(1) A place approved under rule 4 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, ampule, 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 shall, so far as may be apply to seizures made under sub-rule (2).

6. Cancellation or suspension of certificate of approval :

(1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that facilities specified in rule 4 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 facts to the Government giving the details of the deficiencies or defects found at the place. On receipt of such report the Government may after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a fresh certificate of approval under the rule 4 or as the case may be for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall as far as may apply to an application for the issued of a fresh certificate of approval in relation to a place or as the case may be for the revival of a suspended certificate as they apply to an application for the issue of a certificate of approval under that rule (V).

(4) In the event of suspension of a certificate of approval the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. Review :-

(1) The owner of a place who is aggrieved by an order made under rule 6 may

make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

8. Form of consent :-

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

9. Repeal and saving :-

The Medical Termination of Pregnancy Rules 1972 are hereby repealed excepts as respects things done or omitted to be done before such repeal.

[Form-A](#)

[Form-B](#)

[Form-C](#)

#### MEDICAL TERMINATION OF PREGNANCY ACT, 1976

No. GP/138/MTP/1075/E – in exercise of the powers conferred by section 7 of the Medical Termination of pregnancy Act, 1971 (34 of 1971) the Government of Gujrat hereby makes the following Regulation namely :

1. Short title, extent and commencement :-

(1) These regulation may be called the Gujrat Medical termination of Pregnancy regulations, 1976.

(2) They shall extend to the whole of the state Gujrat.

(3) They shall come into force on the 5th August 1976.

**2. Definitions :-** In these regulations unless the context otherwise requires :

(a) "Act" means the Medical Terminations of Pregnancy Act, 1971 (34 of 1971).

(b) "Admission register" means the register maintained under regulations 5:

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rule 1975.

(d) "Chief Medical Officer of the State" means the Director of Health Service (Health).

(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health), Gujrat state in form II, which shall be placed alongwith enclosures in envelop to be sealed and addressed to the Director of Health Service (Health) Gujrat State.

(2) A registered Medical Practitioner who terminate pregnancy of a woman at a place which is not hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) in form III which shall be place alongwith enclosures in an envelop to be sealed and address to the Director of Health Service (Health).

(3) On every envelop referred to in clause (1) there shall be noted the serial numbers assigned to the pregnant woman in the Admission Register and the name of the registered medical Practitioner or practitioner by whom the pregnancy was terminated and such envelops shall be marked "SECRET" .

(4) On every envelop referred in clause (2) there shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and in the date on which the pregnancy was terminated and such envelop shall be marked "SECRET".

(5) Every envelop referred to in clause (1) and (2) shall be sent immediately after the termination of the pregnancy to the Director of Health Service (Health) Gujrat State by registered post.

(6) On receipt of the envelop referred in clause (5) the Director Of Health Service (Health), Gujrat State shall arrange to keep the same in safe custody.

(7) Every head of the hospital in which or the owner of the approved place at which medical termination of pregnancies have been done shall send to the Director of Health Service (Health) a week statements of case in form IV.

5. Maintenance of Admission Register :

(1) Every head of the hospital or owner of the approved place shall maintain an yearly register of admission of woman for the termination of their pregnancies in Form V.

(2) The entries in the admission register shall be made serially and a fresh serial shall be stated at the commencement of each calendar year and every serial number shall be suffixed by the year to which it pertains.

(3) The Admission Register shall be a secret document and the information contained there in as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not be open to inspection :

(1) The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or of a person authorised by such head or owner and save as otherwise provided in clause (7) of regulation 4 shall not be open to inspection by any person expect under the authority of .

(i) in case of a departmental or other enquiry the secretary of the Government of Gujrat in Health and family planning Department.



(ii) in the case of an investigation into an offence a magistrate of the First Class within the local limits of whose jurisdiction the hospital or approved place is situated.

(iii) in the case of suit or such other proceeding including an action for damages in District Judge, within the local limits of whose jurisdiction the hospital or the approved place is situated provided that where a woman whose pregnancy is terminated is an employee the registered medical practitioner shall on the application of such woman grant her a certificate for the purpose of enabling her to obtain from her employer leave of absence. Provided further that any such employer shall not disclose any information relating to termination of pregnancy of the woman employee to any other person.

**7. Entries in register maintained in hospital or approved place :** No entry shall be made in any case sheet, operation theatre register follows up cards of any other document or register (except) the Admission Register maintained at any hospital or approved place indicating there in the name of the pregnant woman and reference to the pregnant woman shall be made there in by the serial numbers assigned to such woman in the Admission Register.

**8. Destruction of admission Register and other papers :** Save as otherwise directed by the Secretary to the Government of Gujrat in the Health and Family Planning Department or for in relation to any Proceeding pending before him as directed by a District Judge or a Magistrate of the First Class every Admission Register shall be destroyed at the expiry of a period of five years from the date of the last entry in that Register and all other papers relating to termination of pregnancies at the expiry of period of three years from the date of the termination of the pregnancy concerned.

**9. Repeal and Saving :** The Medical Termination of pregnancy Regulation 1972 are hereby repealed excepts as respect thing done or omitted to be done before such repeal.

[Form-I](#)

[Form-II](#)

[Form-III](#)

Form-IV

FormV

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department Of Family Planning)

Notification

New Delhi, dated the 10th October, 1975

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1. Short title and commencement :-

(1) These rules may be called the Medical Termination of Pregnancy Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(a) "Act" means the Medical Termination of Pregnancy Act 1971, (4 of 1971).

(b) "Chief Medical Officer of the District" 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 such hospital or clinic, by whatever name called ;

(e) "Place" means such building tent, vehicle or vassel or part thereof as is used for the establishment or maintenance therein of a hospital or clinic which is used or intended to be used for the termination of any pregnancy ;

(f) "Section" means a Section of the Act.

**3. Experience of training etc :-** For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience of training in Gynecology 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 –

(b) In the case of a Medical Practitioner who was registered in a State Medical Register on or after the date of commencement of the Act – Experience in the practice of Gynecology and obstetrics for a period of not less than three years.

(i) if he has completed six months of house surgery in Gynecology and obstetrics ; or

(ii) where he has not done any such house surgery if he had experienced at any hospital for a period of not less than one year in the practice of obstetrics and gynecology : or,

(iii) if he has assisted a registered Medical practitioner in the performance of twenty five cases of Medical termination of pregnancy in a hospital established or maintained or a training institute approved for this purpose by the Government.

(c) in the case of a medical practitioner who has been registered in a state medical Register and who holds and who holds a post graduate degree or diploma in gynecology and obstetrics, the experience of training gained during the course of such degree or diploma.

**4. 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 there in under safe and hygienic conditions ; and

(ii) Unless the following facilities are provided therein namely :

- (a) an operation table and instrument for performing abdominal or gynecological surgery ;
- (b) anesthetic equipment resuscitation equipment and sterilisation equipment :
- (c) drugs and parenteral fluids for emergency use.

(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 referred to in sub-rule (2) the chief Medical Officer of the District shall verify or enquire 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 therein and that termination of pregnancies may be made therein 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 be done under safe and hygienic conditions at the place recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendation 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 Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

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(3) The provisions of the Code of Criminal procedure, 1973 (2 of 1974) relating to seizure shall, so far as may be applicable to seizures made under sub-rule (2).

6. Cancellation or suspension of certificate of approval :

(1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that facilities specified in rule 4 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 facts to the Government giving the details of the deficiencies or defects found at the place. On receipt of such report the Government may after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a fresh certificate of approval under the rule 4 or as the case may be for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall as far as may apply to an application for the issue of a fresh certificate of approval in relation to a place or as the case may be for the revival of a suspended certificate as they apply to an application for the issue of a certificate of approval under that rule (V).

(4) In the event of suspension of a certificate of approval the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. Review :-

(1) The owner of a place who is aggrieved by an order made under rule 6 may make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

8. Form of consent :-

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

9. Repeal and saving :-

The Medical Termination of Pregnancy Rules 1972 are hereby repealed except as respects things done or omitted to be done before such repeal.

[Form-A](#)

[Form-B](#)

[Form-C](#)

## MEDICAL TERMINATION OF PREGNANCY ACT, 1976

No. GP/138/MTP/1075/E – in exercise of the powers conferred by section 7 of the Medical Termination of pregnancy Act, 1971 (34 of 1971) the Government of Gujrat hereby makes the following Regulation namely :

1. Short title, extent and commencement :-

(1) These regulations may be called the Gujrat Medical termination of Pregnancy regulations, 1976.

(2) They shall extend to the whole of the state Gujrat.

(3) They shall come into force on the 5th August 1976.

**2. Definitions :-** In these regulations unless the context otherwise requires :

(a) "Act" means the Medical Terminations of Pregnancy Act, 1971 (34 of 1971).

(b) "Admission register" means the register maintained under regulations 5:

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rule 1975.

(d) "Chief Medical Officer of the State" means the Director of Health Service (Health).

(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health), Gujrat state in form II, which shall be placed alongwith enclosures in envelop to be sealed and addressed to the Director of Health Service (Health) Gujrat State.

(2) A registered Medical Practitioner who terminate pregnancy of a woman at a place which is not hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) in form III which shall be place alongwith enclosures in an envelop to be sealed and address to the Director of Health Service (Health).

(3) On every envelop referred to in clause (1) there shall be noted the serial numbers assigned to the pregnant woman in the Admission Register and the name of the registered medical Practitioner or practitioner by whom the pregnancy was terminated and such envelops shall be marked "SECRET" .

(4) On every envelop referred in clause (2) there shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and in the date on which the pregnancy was terminated and such envelop shall be marked "SECRET" .

(5) Every envelop referred to in clause (1) and (2) shall be sent immediately after the termination of the pregnancy to the Director of Health Service (Health) Gujrat State by registered post.

(6) On receipt of the envelop reffered in clause (5) the Director Of Health Service (Health), Gujrat State shall arrange to keep the same in safe custody.

(7) Every head of the hospital in which or the owner of the approved place at which medical termination of pregnancies have been done shall send to the Director of Health Service (Health) a week statements of case in form IV.

5. Maintenance of Admission Register :

(1) Every head of the hospital or owner of the approved place shall maintain an yearly register of admission of woman for the termination of their pregnancies in Form V.

(2) The entries in the admission register shall be made serially and a fresh serial shall be stated at the commencement of each calendar year and every serial number shall be suffixed by the year to which it pertains.

(3) The Admission Register shall be a secret document and the information contained there in as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not be open to inspection :

(1) The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or of a person authorised by such head or owner and save as otherwise provided in clause (7) of regulation 4 shall not be open to inspection by any person expect under the authority of .

(i) in case of a departmental or other enquiry the secretary of the Government of Gujrat in Health and family planning Department.

(ii) in the case of an investigation into an offence a magistrate of the First Class within the local limits of whose jurisdiction the hospital or approved place in situated.

(iii) in the case of suit or such other proceeding including an action for damages in District Judge, within the local limits of whose jurisdiction the hospital or the approved



place is situated provided that where a woman whose pregnancy is terminated is an employee the registered medical practitioner shall on the application of such woman grant her a certificate for the purpose of enabling her to obtain from her employer leave of absence. Provided further that any such employer shall not disclose any information relating to termination of pregnancy of the woman employee to any other person.

**7. Entries in register maintained in hospital or approved place :** No entry shall be made in any case sheet, operation theatre register follows up cards of any other document or register (except) the Admission Register maintained at any hospital or approved place indicating there in the name of the pregnant woman and reference to the pregnant woman shall be made there in by the serial numbers assigned to such woman in the Admission Register.

**8. Destruction of admission Register and other papers :** Save as otherwise directed by the Secretary to the Government of Gujrat in the Health and Family Planning Department or for in relation to any Proceeding pending before him as directed by a District Judge or a Magistrate of the First Class every Admission Register shall be destroyed at the expiry of a period of five years from the date of the last entry in that Register and all other papers relating to termination of pregnancies at the expiry of period of three years from the date of the termination of the pregnancy concerned.

**9. Repeal and Saving :** The Medical Termination of pregnancy Regulation 1972 are hereby repealed excepts as respect thing done or omitted to be done beford such repeal.

[Form-I](#)

[Form-II](#)

[Form-III](#)

[Form-IV](#)

[FormV](#)

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department Of Family Planning)

Notification

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(1) These rules may be called the Medical Termination of Pregnancy Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(a) "Act" means the Medical Termination of Pregnancy Act 1971, (4 of 1971).

(b) "Chief Medical Officer of the District" means the Chief Medical Officer of a District, by whatever name called ;

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(d) "Owner" in relation to a place, means any person who is the administrative head or otherwise responsible for the working or maintenance of such hospital or clinic, by whatever name called ;

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(f) "Section" means a Section of the Act.

**3. Experience of training etc :-** For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience of training in Gynecology and obstetrics namely ;

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(2) They shall extend to the whole of the state Gujrat.

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**2. Definitions :-** In these regulations unless the context otherwise requires :

(a) "Act" means the Medical Terminations of Pregnancy Act, 1971 (34 of 1971).

(b) "Admission register" means the register maintained under regulations 5:

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rule 1975.

(d) "Chief Medical Officer of the State" means the Director of Health Service (Health).

(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) Gujrat state in form II, which shall be placed

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(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health), Gujrat state in form II, which shall be placed alongwith enclosures in envelop to be sealed and addressed to the Director of Health Service (Health) Gujrat State.

(2) A registered Medical Practitioner who terminate pregnancy of a woman at a place which is not hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) in form III which shall be place alongwith enclosures in an envelop to be sealed and address to the Director of Health Service (Health).

(3) On every envelop referred to in clause (1) there shall be noted the serial numbers assigned to the pregnant woman in the Admission Register and the name of the registered medical Practitioner or practitioner by whom the pregnancy was terminated and such envelops shall be marked "SECRET" .

(4) On every envelop referred in clause (2) there shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and in the date on which the pregnancy was terminated and such envelop shall be marked "SECRET" .

(5) Every envelop referred to in clause (1) and (2) shall be sent immediately after the termination of the pregnancy to the Director of Health Service (Health) Gujrat State by registered post.

(6) On receipt of the envelop reffered in clause (5) the Director Of Health Service (Health), Gujrat State shall arrange to keep the same in safe custody.

(7) Every head of the hospital in which or the owner of the approved place at which medical termination of pregnancies have been done shall send to the Director of Health Service (Health) a week statements of case in form IV.

#### 5. Maintenance of Admission Register :

(1) Every head of the hospital or owner of the approved place shall maintain an yearly register of admission of woman for the termination of their pregnancies in Form V.

(2) The entries in the admission register shall be made serially and a fresh serial shall be stated at the commencement of each calendar year and every serial number shall be suffixed by the year to which it pertains.

(3) The Admission Register shall be a secret document and the information contained there in as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not be open to inspection :

(1) The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or of a person authorised by such head or owner and save as otherwise provided in clause (7) of regulation 4 shall not be open to inspection by any person except under the authority of .

(i) in case of a departmental or other enquiry the secretary of the Government of Gujrat in Health and family planning Department.

(ii) in the case of an investigation into an offence a magistrate of the First Class within the local limits of whose jurisdiction the hospital or approved place is situated.

(iii) in the case of suit or such other proceeding including an action for damages in District Judge, within the local limits of whose jurisdiction the hospital or the approved place is situated provided that where a woman whose pregnancy is terminated is an employee the registered medical practitioner shall on the application of such woman grant her a certificate for the purpose of enabling her to obtain from her employer leave of absence. Provided further that any such employer shall not disclose any information relating to termination of pregnancy of the woman employee to any other person.

**7. Entries in register maintained in hospital or approved place :** No entry shall be made in any case sheet, operation theatre register follows up cards of any other document or register (except) the Admission Register maintained at any hospital or approved place indicating there in the name of the pregnant woman and reference to the pregnant woman shall be made there in by the serial numbers assigned to such woman in the Admission Register.

**8. Destruction of admission Register and other papers :** Save as otherwise directed by the Secretary to the Government of Gujrat in the Health and Family Planning Department or for in relation to any Proceeding pending before him as directed by a District Judge or a Magistrate of the First Class every Admission Register shall be destroyed at the expiry of a period of five years from the date of the last entry in that Register and all other papers relating to termination of pregnancies at the expiry of period of three years from the date of the termination of the pregnancy concerned.

**9. Repeal and Saving :** The Medical Termination of pregnancy Regulation 1972 are hereby repealed excepts as respect thing done or omitted to be done beford such repeal.

Form-I

Form-II

Form-III

Form-IV

FormV

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department Of Family Planning)

Notification

New Delhi, dated the 10th October, 1975

G.S.R ..... In exercise of the powers conferred by section 6 of the Medical Termination of Pregnancy 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, 1975.



(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(a) "Act" means the Medical Termination of Pregnancy Act 1971, (4 of 1971).

(b) "Chief Medical Officer of the District" 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 such hospital or clinic, by whatever name called ;

(e) "Place" means such building tent, vehicle or vassel or part thereof as is used for the establishment or maintenance therein of a hospital or clinic which is used or intended to be used for the termination of any pregnancy ;

(f) "Section" means a Section of the Act.

**3. Experience of training etc :-** For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience of training in Gynecology 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 –

(b) In the case of a Medical Practitioner who was registered in a State Medical Register on or after the date of commencement of the Act – Experience in the practice of Gynecology and obstetrics for a period of not less than three years.

(i) if he has completed six months of house surgery in Gynecology and obstetrics ; or

(ii) where he has not done any such house surgery if he had experienced at any hospital for a period of not less than one year in the practice of obstetrics and gynecology : or,

(iii) if he has assisted a registered Medical practitioner in the performance of twenty five cases of Medical termination of pregnancy in a hospital established or maintained or a training institute approved for this purpose by the Government.

(c) in the case of a medical practitioner who has been registered in a state medical Register and who holds a post graduate degree or diploma in gynecology and obstetrics, the experience of training gained during the course of such degree or diploma.

#### **4. 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 there in under safe and hygienic conditions ; and

(ii) Unless the following facilities are provided therein namely :

(a) an operation table and instrument for performing abdominal or gynecological surgery ;

(b) anesthetic equipment resuscitation equipment and sterilisation equipment :

(c) drugs and parenteral fluids for emergency use.

(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 referred to in sub-rule (2) the chief Medical Officer of the District shall verify or enquire 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 therein and that termination of pregnancies may be made therein 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 be done under safe and hygienic conditions at the place recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendation 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 Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. Inspection of the place :

(1) A place approved under rule 4 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, ampule, 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 shall, so far as may be apply to seizures made under sub-rule (2).

6. Cancellation or suspension of certificate of approval :

(1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that facilities specified in rule 4 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 facts to the Government giving the details of the deficiencies or defects found at the place. On receipt of such

report the Government may after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a fresh certificate of approval under the rule 4 or as the case may be for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall as far as may apply to an application for the issue of a fresh certificate of approval in relation to a place or as the case may be for the revival of a suspended certificate as they apply to an application for the issue of a certificate of approval under that rule (V).

(4) In the event of suspension of a certificate of approval the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. Review :-

(1) The owner of a place who is aggrieved by an order made under rule 6 may make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

8. Form of consent :-

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

9. Repeal and saving :-

The Medical Termination of Pregnancy Rules 1972 are hereby repealed except as respects things done or omitted to be done before such repeal.

[Form-A](#)

[Form-B](#)

[Form-C](#)

## MEDICAL TERMINATION OF PREGNANCY ACT, 1976

No. GP/138/MTP/1075/E – in exercise of the powers conferred by section 7 of the Medical Termination of pregnancy Act, 1971 (34 of 1971) the Government of Gujrat hereby makes the following Regulation namely :

### 1. Short title, extent and commencement :-

(1) These regulations may be called the Gujrat Medical termination of Pregnancy regulations, 1976.

(2) They shall extend to the whole of the state Gujrat.

(3) They shall come into force on the 5th August 1976.

### 2. **Definitions :-** In these regulations unless the context otherwise requires :

(a) "Act" means the Medical Terminations of Pregnancy Act, 1971 (34 of 1971).

(b) "Admission register" means the register maintained under regulations 5:

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rule 1975.

(d) "Chief Medical Officer of the State" means the Director of Health Service (Health).

(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health), Gujrat state in form II, which shall be placed alongwith enclosures in envelop to be sealed and addressed to the Director of Health Service (Health) Gujrat State.

(2) A registered Medical Practitioner who terminate pregnancy of a woman at a place which is not hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) in form III which shall be place alongwith enclosures in an envelop to be sealed and address to the Director of Health Service (Health).

(3) On every envelop referred to in clause (1) there shall be noted the serial numbers assigned to the pregnant woman in the Admission Register and the name of the registered medical Practitioner or practitioner by whom the pregnancy was terminated and such envelops shall be marked "SECRET" .

(4) On every envelop referred in clause (2) there shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and in the date on which the pregnancy was terminated and such envelop shall be marked "SECRET" .

(5) Every envelop referred to in clause (1) and (2) shall be sent immediately after the termination of the pregnancy to the Director of Health Service (Health) Gujrat State by registered post.

(6) On receipt of the envelop reffered in clause (5) the Director Of Health Service (Health), Gujrat State shall arrange to keep the same in safe custody.

(7) Every head of the hospital in which or the owner of the approved place at which medical termination of pregnancies have been done shall send to the Director of Health Service (Health) a week statements of case in form IV.

#### 5. Maintenance of Admission Register :

(1) Every head of the hospital or owner of the approved place shall maintain an yearly register of admission of woman for the termination of their pregnancies in Form V.

(2) The entries in the admission register shall be made serially and a fresh serial shall be stated at the commencement of each calendar year and every serial number shall be suffixed by the year to which it pertains.

(3) The Admission Register shall be a secret document and the information contained there in as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not be open to inspection :

(1) The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or of a person authorised by such head or owner and save as otherwise provided in clause (7) of regulation 4 shall not be open to inspection by any person except under the authority of .

(i) in case of a departmental or other enquiry the secretary of the Government of Gujrat in Health and family planning Department.

(ii) in the case of an investigation into an offence a magistrate of the First Class within the local limits of whose jurisdiction the hospital or approved place is situated.

(iii) in the case of suit or such other proceeding including an action for damages in District Judge, within the local limits of whose jurisdiction the hospital or the approved place is situated provided that where a woman whose pregnancy is terminated is an employee the registered medical practitioner shall on the application of such woman grant her a certificate for the purpose of enabling her to obtain from her employer leave of absence. Provided further that any such employer shall not disclose any information relating to termination of pregnancy of the woman employee to any other person.

**7. Entries in register maintained in hospital or approved place :** No entry shall be made in any case sheet, operation theatre register follows up cards of any other document or register (except) the Admission Register maintained at any hospital or approved place indicating there in the name of the pregnant woman and reference to the pregnant woman shall be made there in by the serial numbers assigned to such woman in the Admission Register.

**8. Destruction of admission Register and other papers :** Save as otherwise directed by the Secretary to the Government of Gujrat in the Health and Family Planning Department or for in relation to any Proceeding pending before him as directed by a District Judge or a Magistrate of the First Class every Admission Register shall be destroyed at the expiry of a period of five years from the date of the last entry in that Register and all other papers relating to termination of pregnancies at the expiry of period of three years from the date of the termination of the pregnancy concerned.

**9. Repeal and Saving :** The Medical Termination of pregnancy Regulation 1972 are hereby repealed excepts as respect thing done or omitted to be done beford such repeal.

Form-I

Form-II

Form-III

Form-IV

FormV

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department Of Family Planning)

Notification

New Delhi, dated the 10th October, 1975

G.S.R ..... In exercise of the powers conferred by section 6 of the Medical Termination of Pregnancy 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, 1975.



(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(a) "Act" means the Medical Termination of Pregnancy Act 1971, (4 of 1971).

(b) "Chief Medical Officer of the District" 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 such hospital or clinic, by whatever name called ;

(e) "Place" means such building tent, vehicle or vassel or part thereof as is used for the establishment or maintenance therein of a hospital or clinic which is used or intended to be used for the termination of any pregnancy ;

(f) "Section" means a Section of the Act.

**3. Experience of training etc :-** For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience of training in Gynecology 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 –

(b) In the case of a Medical Practitioner who was registered in a State Medical Register on or after the date of commencement of the Act – Experience in the practice of Gynecology and obstetrics for a period of not less than three years.

(i) if he has completed six months of house surgery in Gynecology and obstetrics ; or

(ii) where he has not done any such house surgery if he had experienced at any hospital for a period of not less than one year in the practice of obstetrics and gynecology : or,

(iii) if he has assisted a registered Medical practitioner in the performance of twenty five cases of Medical termination of pregnancy in a hospital established or maintained or a training institute approved for this purpose by the Government.

(c) in the case of a medical practitioner who has been registered in a state medical Register and who holds a post graduate degree or diploma in gynecology and obstetrics, the experience of training gained during the course of such degree or diploma.

#### **4. 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 there in under safe and hygienic conditions ; and

(ii) Unless the following facilities are provided therein namely :

(a) an operation table and instrument for performing abdominal or gynecological surgery ;

(b) anesthetic equipment resuscitation equipment and sterilisation equipment :

(c) drugs and parenteral fluids for emergency use.

(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 referred to in sub-rule (2) the chief Medical Officer of the District shall verify or enquire 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 therein and that termination of pregnancies may be made therein 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 be done under safe and hygienic conditions at the place recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendation 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 Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. Inspection of the place :

(1) A place approved under rule 4 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, ampule, 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 shall, so far as may be apply to seizures made under sub-rule (2).

6. Cancellation or suspension of certificate of approval :

(1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that facilities specified in rule 4 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 facts to the Government giving the details of the deficiencies or defects found at the place. On receipt of such

report the Government may after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a fresh certificate of approval under the rule 4 or as the case may be for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall as far as may apply to an application for the issue of a fresh certificate of approval in relation to a place or as the case may be for the revival of a suspended certificate as they apply to an application for the issue of a certificate of approval under that rule (V).

(4) In the event of suspension of a certificate of approval the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. Review :-

(1) The owner of a place who is aggrieved by an order made under rule 6 may make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

8. Form of consent :-

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

9. Repeal and saving :-

The Medical Termination of Pregnancy Rules 1972 are hereby repealed except as respects things done or omitted to be done before such repeal.

[Form-A](#)

[Form-B](#)

[Form-C](#)

## MEDICAL TERMINATION OF PREGNANCY ACT, 1976

No. GP/138/MTP/1075/E – in exercise of the powers conferred by section 7 of the Medical Termination of pregnancy Act, 1971 (34 of 1971) the Government of Gujrat hereby makes the following Regulation namely :

### 1. Short title, extent and commencement :-

(1) These regulations may be called the Gujrat Medical termination of Pregnancy regulations, 1976.

(2) They shall extend to the whole of the state Gujrat.

(3) They shall come into force on the 5th August 1976.

### 2. **Definitions :-** In these regulations unless the context otherwise requires :

(a) "Act" means the Medical Terminations of Pregnancy Act, 1971 (34 of 1971).

(b) "Admission register" means the register maintained under regulations 5:

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rule 1975.

(d) "Chief Medical Officer of the State" means the Director of Health Service (Health).

(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health), Gujrat state in form II, which shall be placed alongwith enclosures in envelop to be sealed and addressed to the Director of Health Service (Health) Gujrat State.

(2) A registered Medical Practitioner who terminate pregnancy of a woman at a place which is not hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) in form III which shall be place alongwith enclosures in an envelop to be sealed and address to the Director of Health Service (Health).

(3) On every envelop referred to in clause (1) there shall be noted the serial numbers assigned to the pregnant woman in the Admission Register and the name of the registered medical Practitioner or practitioner by whom the pregnancy was terminated and such envelops shall be marked "SECRET" .

(4) On every envelop referred in clause (2) there shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and in the date on which the pregnancy was terminated and such envelop shall be marked "SECRET" .

(5) Every envelop referred to in clause (1) and (2) shall be sent immediately after the termination of the pregnancy to the Director of Health Service (Health) Gujrat State by registered post.

(6) On receipt of the envelop reffered in clause (5) the Director Of Health Service (Health), Gujrat State shall arrange to keep the same in safe custody.

(7) Every head of the hospital in which or the owner of the approved place at which medical termination of pregnancies have been done shall send to the Director of Health Service (Health) a week statements of case in form IV.

#### 5. Maintenance of Admission Register :

(1) Every head of the hospital or owner of the approved place shall maintain an yearly register of admission of woman for the termination of their pregnancies in Form V.

(2) The entries in the admission register shall be made serially and a fresh serial shall be stated at the commencement of each calendar year and every serial number shall be suffixed by the year to which it pertains.

(3) The Admission Register shall be a secret document and the information contained there in as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not be open to inspection :

(1) The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or of a person authorised by such head or owner and save as otherwise provided in clause (7) of regulation 4 shall not be open to inspection by any person except under the authority of .

(i) in case of a departmental or other enquiry the secretary of the Government of Gujrat in Health and family planning Department.

(ii) in the case of an investigation into an offence a magistrate of the First Class within the local limits of whose jurisdiction the hospital or approved place is situated.

(iii) in the case of suit or such other proceeding including an action for damages in District Judge, within the local limits of whose jurisdiction the hospital or the approved place is situated provided that where a woman whose pregnancy is terminated is an employee the registered medical practitioner shall on the application of such woman grant her a certificate for the purpose of enabling her to obtain from her employer leave of absence. Provided further that any such employer shall not disclose any information relating to termination of pregnancy of the woman employee to any other person.

**7. Entries in register maintained in hospital or approved place :** No entry shall be made in any case sheet, operation theatre register follows up cards of any other document or register (except) the Admission Register maintained at any hospital or approved place indicating there in the name of the pregnant woman and reference to the pregnant woman shall be made there in by the serial numbers assigned to such woman in the Admission Register.

**8. Destruction of admission Register and other papers :** Save as otherwise directed by the Secretary to the Government of Gujrat in the Health and Family Planning Department or for in relation to any Proceeding pending before him as directed by a District Judge or a Magistrate of the First Class every Admission Register shall be destroyed at the expiry of a period of five years from the date of the last entry in that Register and all other papers relating to termination of pregnancies at the expiry of period of three years from the date of the termination of the pregnancy concerned.

**9. Repeal and Saving :** The Medical Termination of pregnancy Regulation 1972 are hereby repealed excepts as respect thing done or omitted to be done beford such repeal.

[Form-I](#)

[Form-II](#)

[Form-III](#)

[Form-IV](#)

[FormV](#)

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department Of Family Planning)

Notification

New Delhi, dated the 10th October, 1975

G.S.R ..... In exercise of the powers conferred by section 6 of the Medical Termination of Pregnancy 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, 1975.



(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

(a) "Act" means the Medical Termination of Pregnancy Act 1971, (4 of 1971).

(b) "Chief Medical Officer of the District" 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 such hospital or clinic, by whatever name called ;

(e) "Place" means such building tent, vehicle or vassel or part thereof as is used for the establishment or maintenance therein of a hospital or clinic which is used or intended to be used for the termination of any pregnancy ;

(f) "Section" means a Section of the Act.

**3. Experience of training etc :-** For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience of training in Gynecology 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 –

(b) In the case of a Medical Practitioner who was registered in a State Medical Register on or after the date of commencement of the Act – Experience in the practice of Gynecology and obstetrics for a period of not less than three years.

(i) if he has completed six months of house surgery in Gynecology and obstetrics ; or

(ii) where he has not done any such house surgery if he had experienced at any hospital for a period of not less than one year in the practice of obstetrics and gynecology : or,

(iii) if he has assisted a registered Medical practitioner in the performance of twenty five cases of Medical termination of pregnancy in a hospital established or maintained or a training institute approved for this purpose by the Government.

(c) in the case of a medical practitioner who has been registered in a state medical Register and who holds a post graduate degree or diploma in gynecology and obstetrics, the experience of training gained during the course of such degree or diploma.

#### **4. 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 there in under safe and hygienic conditions ; and

(ii) Unless the following facilities are provided therein namely :

(a) an operation table and instrument for performing abdominal or gynecological surgery ;

(b) anesthetic equipment resuscitation equipment and sterilisation equipment :

(c) drugs and parenteral fluids for emergency use.

(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 referred to in sub-rule (2) the chief Medical Officer of the District shall verify or enquire 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 therein and that termination of pregnancies may be made therein 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 be done under safe and hygienic conditions at the place recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendation 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 Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. Inspection of the place :

(1) A place approved under rule 4 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, ampule, 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 shall, so far as may be apply to seizures made under sub-rule (2).

6. Cancellation or suspension of certificate of approval :

(1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that facilities specified in rule 4 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 facts to the Government giving the details of the deficiencies or defects found at the place. On receipt of such

report the Government may after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a fresh certificate of approval under the rule 4 or as the case may be for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall as far as may apply to an application for the issue of a fresh certificate of approval in relation to a place or as the case may be for the revival of a suspended certificate as they apply to an application for the issue of a certificate of approval under that rule (V).

(4) In the event of suspension of a certificate of approval the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. Review :-

(1) The owner of a place who is aggrieved by an order made under rule 6 may make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

8. Form of consent :-

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

9. Repeal and saving :-

The Medical Termination of Pregnancy Rules 1972 are hereby repealed except as respects things done or omitted to be done before such repeal.

[Form-A](#)

[Form-B](#)

[Form-C](#)

## MEDICAL TERMINATION OF PREGNANCY ACT, 1976

No. GP/138/MTP/1075/E – in exercise of the powers conferred by section 7 of the Medical Termination of pregnancy Act, 1971 (34 of 1971) the Government of Gujrat hereby makes the following Regulation namely :

### 1. Short title, extent and commencement :-

(1) These regulations may be called the Gujrat Medical termination of Pregnancy regulations, 1976.

(2) They shall extend to the whole of the state Gujrat.

(3) They shall come into force on the 5th August 1976.

### 2. **Definitions :-** In these regulations unless the context otherwise requires :

(a) "Act" means the Medical Terminations of Pregnancy Act, 1971 (34 of 1971).

(b) "Admission register" means the register maintained under regulations 5:

(c) "Approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rule 1975.

(d) "Chief Medical Officer of the State" means the Director of Health Service (Health).

(e) "Form" means a form appended to these regulations :

(f) "Hospital" means a hospital established or maintained by the state government.

**3. Form in which and the time at which opinion to be certified :** The opinion referred to in sub-section (2) of section 3 shall be certified by a registered medical practitioner or practitioner of practitioners concerned in Form I before or at the time of the termination of pregnancy.

**4. Registered Medical Practitioner to give intimation of termination of pregnancy .**

(1) A registered medical practitioner who terminates pregnancy of a woman in a hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health), Gujrat state in form II, which shall be placed alongwith enclosures in envelop to be sealed and addressed to the Director of Health Service (Health) Gujrat State.

(2) A registered Medical Practitioner who terminate pregnancy of a woman at a place which is not hospital or an approved place shall give intimation of such termination to the Director of Health Service (Health) in form III which shall be place alongwith enclosures in an envelop to be sealed and address to the Director of Health Service (Health).

(3) On every envelop referred to in clause (1) there shall be noted the serial numbers assigned to the pregnant woman in the Admission Register and the name of the registered medical Practitioner or practitioner by whom the pregnancy was terminated and such envelops shall be marked "SECRET" .

(4) On every envelop referred in clause (2) there shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and in the date on which the pregnancy was terminated and such envelop shall be marked "SECRET" .

(5) Every envelop referred to in clause (1) and (2) shall be sent immediately after the termination of the pregnancy to the Director of Health Service (Health) Gujrat State by registered post.

(6) On receipt of the envelop reffered in clause (5) the Director Of Health Service (Health), Gujrat State shall arrange to keep the same in safe custody.

(7) Every head of the hospital in which or the owner of the approved place at which medical termination of pregnancies have been done shall send to the Director of Health Service (Health) a week statements of case in form IV.

#### 5. Maintenance of Admission Register :

(1) Every head of the hospital or owner of the approved place shall maintain an yearly register of admission of woman for the termination of their pregnancies in Form V.

(2) The entries in the admission register shall be made serially and a fresh serial shall be stated at the commencement of each calendar year and every serial number shall be suffixed by the year to which it pertains.

(3) The Admission Register shall be a secret document and the information contained there in as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not be open to inspection :

(1) The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or of a person authorised by such head or owner and save as otherwise provided in clause (7) of regulation 4 shall not be open to inspection by any person except under the authority of .

(i) in case of a departmental or other enquiry the secretary of the Government of Gujrat in Health and family planning Department.

(ii) in the case of an investigation into an offence a magistrate of the First Class within the local limits of whose jurisdiction the hospital or approved place is situated.

(iii) in the case of suit or such other proceeding including an action for damages in District Judge, within the local limits of whose jurisdiction the hospital or the approved place is situated provided that where a woman whose pregnancy is terminated is an employee the registered medical practitioner shall on the application of such woman grant her a certificate for the purpose of enabling her to obtain from her employer leave of absence. Provided further that any such employer shall not disclose any information relating to termination of pregnancy of the woman employee to any other person.

**7. Entries in register maintained in hospital or approved place :** No entry shall be made in any case sheet, operation theatre register follows up cards of any other document or register (except) the Admission Register maintained at any hospital or approved place indicating there in the name of the pregnant woman and reference to the pregnant woman shall be made there in by the serial numbers assigned to such woman in the Admission Register.

**8. Destruction of admission Register and other papers :** Save as otherwise directed by the Secretary to the Government of Gujrat in the Health and Family Planning Department or for in relation to any Proceeding pending before him as directed by a District Judge or a Magistrate of the First Class every Admission Register shall be destroyed at the expiry of a period of five years from the date of the last entry in that Register and all other papers relating to termination of pregnancies at the expiry of period of three years from the date of the termination of the pregnancy concerned.

**9. Repeal and Saving :** The Medical Termination of pregnancy Regulation 1972 are hereby repealed excepts as respect thing done or omitted to be done beforesuch repeal.

[Form-I](#)

[Form-II](#)

[Form-III](#)

[Form-IV](#)

[FormV](#)