

The Medical Termination Of Pregnancy Act, 1971 with the Medical Termination of Pregnancy, Rules and Regulation, 1975.13p.

**The Medical Termination Of Pregnancy Act, 1971
(Act No. 34 of 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. Short title, extent and commencement.-

- (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. Definitions.-In this Act, unless the context otherwise requires,-

- (a) "guardian" means a person having the care of the person of a minor or a lunatic;
- (b) "lunatic" has the meaning assigned to it in Sec.3 of the Indian Lunacy Act, 1912 (4 of 1912) ;
- (c) "minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority,
- (d) "registered medical practitioner" means a medical practitioner who possesses any recognized medical qualification as defined in Cl.(h) of Sec. 2 of the Indian Medical Council Act, 1956 (102 of 1956), whose name has been entered in a State Medical Register and who has such experience or training in gynecology and obstetrics as may be prescribed by rules made under this Act.

Comments

General, principle of construction.-There is one principle on which there is complete unanimity of all the Courts in the world and this is that where the words or the language used in a statute are clear and cloudless, plain, simple and

explicit, unclouded and unobscured, intelligible and pointed so as to admit of no ambiguity, vagueness, uncertainty or equivocation, there is absolutely no room for deriving support from external aids. In such cases, the statute should be interpreted on the face of the language itself without adding, subtracting or omitting words therefrom. Where the language is plain and unambiguous Court is not entitled to go behind the language so as to add or supply omissions and thus play the role of a political reformer or of a wise counsel to the Legislature.

Person.-The word, "person" has been used to make it clear that in order to exercise the powers of Controller under the Act, the statutory functionary has to be duly appointed by the Government and that he is persona designata or designated person.

3. When Pregnancies may be terminated by registered medical practitioners.-

(1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), 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,-

(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 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.

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

(4) (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 lunatic, shall be terminated except with the consent in writing of her guardian.

(b) Save as otherwise provided in C1.(a), no pregnancy shall be terminated except with the consent of the pregnant woman.

Comments

More than one registered medical practitioner not needed for actual termination of pregnancy.-The number of registered medical practitioners has relevance only with regard to the formation of the opinion. Once the opinion has been formed by the required number of registered medical practitioners, the actual termination of the pregnancy may be done by one registered medical practitioner. It is not necessary that more than one registered medical practitioner should act together to terminate a pregnancy.

The word 'shall'-Meaning of.- It has been laid down consistently by the Supreme Court that the mere use of the word "shall" by itself in the statute does not make the provision mandatory, but it is the duty of the Courts of justice to try to get at the real intention of the Legislature by carefully attending to the whole scope of the statute to be construed. In each case, one has to look to the subject-matter, consider the importance of the provisions and the relations of that provision with the general object intended to be secured by the Act and upon the review of the case in that aspect decide whether the enactment is mandatory or only directory.

"May" and "shall".-Where the Legislature used two words "may" and "shall" in two different parts of the same provision prima facie it would appear that the Legislature manifested its intention to make one part directory and another mandatory. But that by itself is not decisive. The power of the Court still to ascertain the real intention of the Legislature by carefully examining the scope of

the statute to find out whether the provision is directory or mandatory remains unimpaired even where both the words are used in the same provision.

The word "may" must be construed to mean "shall" and it is mandatory.

Saving provision-Effect of.- While giving effect to a saving provision when it provides that something which is done or issued under the repealed provision must be treated as having been treated or issued under the newly enacted provision, an earlier order can be saved only if such a direction or order could be effectively and validly made under the new provisions of law, which had repealed the earlier provisions.

4. Place where pregnancy may be terminated.-No termination of pregnancy shall be made in accordance with this Act at any place other than,-

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of this Act by Government.

Comment

Pregnancy to be terminated at a Government hospital or approved place.-This section. read with Sec.5, provides that a pregnancy which is terminated on one or more of the grounds specified in Sec.3, should not be made at any place other than-

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of the Act by Government.

5. Sections 3 and 4 when not to apply.-

(1) The provisions of Sec.4 and so much of the provisions of sub-section (2) of Sec. 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioner, shall not apply to the termination of a pregnancy by the registered medical practitioner in case where he is of opinion, formed in good faith, that the termination of such pregnancy is immediately necessary to save the life of the pregnant woman.

(2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), the termination of a pregnancy by a person who is not a registered medical

practitioner shall be an offence punishable under that Code, and that Code shall, to this extent, stand modified.

Explanation.-For the purposes of this section, so much of the provisions of C1.(d) of Sec.2 as relate to the possession, by a registered medical practitioner, of experience or training in gynecology and obstetrics shall not apply.

Comments

Explanation.-It is now well settled that an explanation added to a statutory provision is not a substantive provision in any sense of the term but as the plain meaning of the word itself shows it is merely meant to explain or clarify certain ambiguities which may have crept in the statutory provision.

Proviso-A proviso is intended to limit the enacted provision so as to except something which have otherwise been within it or in some measure to modify the enacting clause. Sometimes a proviso may be embedded in the main provision and becomes an integral part of it so as to amount to a substantive provision itself.

6. Power to make rules.-4

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the experience or training, or both, which a registered medical practitioner shall have if he intends to terminate any pregnancy under this Act ; and

(b) such other matters as are required to be or may be, provided by rules made under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and If, before the expiry of the session which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect,

as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Comment

By this section, a power has been conferred on the Central Government to make rules to carry out the provisions of the Act.

In relation to hospitals other than institutions established or maintained by the Central Government, matters in respect of which regulations can be made by the State Government under Sec.7 have been included in the rules.

7. Power to make regulations.-

(1) The State Government may, by regulations,-

(a) require any such opinion as is referred to in sub-section (2) of Sec. 3 to be certified by a registered medical practitioner or practitioners concerned in such form and at such time as be specified in such regulations, and the preservation or disposal of such certificates;

(b) require any registered medical practitioner, who terminates a pregnancy to give intimation of such termination and such other information relating to the termination as maybe specified in such regulations;

(c) prohibit the disclosure, except to such persons and for such purposes as may be specified in such regulations, of intimations given or information furnished in pursuance of such regulations.

(2) The intimation given and the information furnished in pursuance of regulations made by virtue of C1.(b) of Sub-section(1) shall be given or furnished, as the case may be, to the Chief Medical Officer of the State..

(3) Any person who wilfully contravenes or wilfully fails to comply with the requirements of any regulation made under sub-section (1) shall be liable to be punished with fine which may extend to one thousand rupees.

Comments

Under this section, the State Government has been empowered to make regulations requiring opinion referred to in sub-section (2) of Sec.3 to be certified and the preservation or disposal of such certificate; to require the registered

medical practitioner to give intimation of pregnancies terminated by them to the Chief medical Officer of the State.

The matters in relation to which such regulations may be made have been specified in the section itself. It will be seen that the power to make regulations has been conferred on the State Government only. The regulations made by the State Governments would apply to hospital established or maintained by it or to approved places in the State. But as regards the Central institutions and hospitals, etc. situated in a Cantonment, the State Government has no power to make such regulations. Consequently, rules have been framed by the Central Government with regard to the matters in relation to which regulations can be made by the State Government.

The Act empowers the Central Government to make regulations to provide for the maintenance of secrecy about the termination of pregnancies made under the Act. The matters in relation to which such regulations may be made have been specified in the section itself. In relation to medical institutions established or maintained by the Central Government, provisions regarding the maintenance of secrecy, etc., have been included in the rules made under Sec. 6. The said rules would apply only to hospitals established or maintained by Government or other places approved by the Government. The regulations made under this section by any State Government would apply to hospitals established or maintained by the Government and places approved by it.

8. Protection of action taken in good faith.- No suit for other legal proceedings shall lie against any registered medical practitioner for any damage caused likely to be caused by anything which is in good faith done or intended to be done under this act.

Comments

By sub-section(1) of Sec. 3, a registered medical practitioner, who terminates a pregnancy in accordance with the provisions of the Act, is protected from any prosecution for the termination of such pregnancy. By this section, he is protected from any civil action for compensation for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act. In order to be able to get this protection, the registered medical practitioner must establish that his action was done in good faith. "Act" may also include omissions. Hence, if any omission to terminate any pregnancy is made in good faith, an action for compensation for damages may not lie for such omission if such omission was done in good faith.

THE MEDICAL TERMINATION OF PREGNANCY RULES, 1975

G.S.R. 2543, dated the 10th October, 1975. - In exercise of the powers conferred by Sec. 6 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the 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.-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 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 vessel, or part thereof as 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.

Comments

Rule of construction. - It is well-settled canon of construction that the rules made under a statute must be treated exactly as if they were in the Act and are of the same effect as if contained in the Act. There is another principle equally fundamental to the rule of construction, namely, that the rules shall be consistent with the provisions of the Act.

Whenever the rules are plain and unambiguous and precise words have been used while framing the rules, it has always been the well-settled law that the Court is bound to construe such words in their ordinary sense and give them full effect.

If the rules are legislative in character, they must harmoniously be interpreted as a connected whole giving life and force to each word, phrase and rule and no part thereof should be rendered nugatory or a surplusage. Resort to iron out the creases could be had only when the construction of the relevant rule, phrase or word would lead to unintended absurd results.

3. Experiences or training etc.- For the purpose of Cl(d) of Sec.2, a registered medical practitioner shall have one or more of the following experience or 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, experience in the practice of gynecology and obstetrics for a period of not less than three years;

(b) in the case of a medical practitioner who was registered in a State Medical Register on or after the date of the commencement,

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

(ii) where he has not done any such house surgency if he had experience 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 postgraduate degree or diploma in gynecology and obstetrics, the experience or training gained during the course of such degree or diploma.

4. Approval of a place.-

(1) No place shall be approved under Cl.(b) of Sec.4,-

(i) unless the Government is satisfied that termination of pregnancy may be done therein under safe and hygienic conditions; and

(ii) unless the following facilities are provided therein, namely:

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

(b) anesthetic equipment, resuscitation equipment and sterilization equipment;

(c) drugs and parenteral fluids for emergency use.

(2) Every application for the approval of a place shall be in 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 satisfy himself that the facilities referred to in sub-rule (1) or 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 condition, at the place recommend, the approval of such place to the Government.

(6) The Government may after considering the application and the 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.

Comments

'Superintendence, direction and control'- Purpose should be confined liberally. -- While construing the expression 'superintendence, direction and control' in

Art.324 (1) one has to remember that every norm which lays down a rule of conduct cannot possibly be elevated to the position of legislation or delegated legislation. There are some authorities or persons in certain gray areas who may, be sources of rules of conduct and who at the same time be equaled to authorities or persons who can make law in the strict sense in which it is understood in jurisprudence. A direction may mean an order issued to a particular individual or a precept which may have to follow. It may, be a specific or a general order. One has also to remember that the source of power in this case is the Constitution, the highest law of the land, which is the repository and source of all legal powers and any power granted by, the Constitution for a specific purpose should be construed liberally so that the object for which the power is granted is effectively achieved.

5. Inspection of a place. - A place approved under rule 4 may be inspected by the Chief Medical Officer of the District, as often as may be necessary with view to verify whether termination of pregnancies is being done therein under safe hygienic conditions.

FORM {A} MEDICAL, TERMINATION OF PREGNANCY RULES, 1975

Comments

This amending rule amends rule 5 of the Medical Termination of Pregnancy Rules, 1975.

Amendment.- Amendment is, in fact, a wider term and it includes abrogation or deletion of a provision in an existing statute. An amendment is not retrospective unless expressly laid down or by necessary implication inferred.

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 the 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 fact to the Government giving the detail -of the deficiencies or defects found at the place. On receipt of such report the Government may, after given 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 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.

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

Comment

This rule embodies the principle of 'natural justice' that the owner of the place must be given the reasonable opportunity of being heard before the suspension or cancellation of the certificate of approval.

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.

Comment

This rule provides for the remedy of review of the order made under rule 6. The application for review should be made to the Central Government and the time limit for the same is sixty days.

8. Form of consent.-The consent referred to in sub-section(4.)of Sec.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
[See sub-rule (2) of rule 4]

Form of application for tire approval of a place under C1. (b) of Sec.4

1. Name of the place (in capital letters).....
2. 2. Address in full
3. Non-Governmental/Private Nursing ho me/Other Institutions!
4. State, if the following facilities are available at the place.....
 - (i) An operation table and instruments for performing abdominal or gynecological surgery.
 - (ii) Drugs and parenteral fluid in sufficient supply of emergency cases.
 - (iii) Anaesthetic equipment, resuscitation equipment and sterilization equipment.

Signature of the owner of the place.

Place:

Date:

*Strike out whichever is not applicable.

Form B
(see sub rule(6) of rule 4]
Certificate of approval

The place described below is hereby approved for the purpose of the Medical Termination of Pregnancy Act, 1971 (34 of 1971).

Name of the owner

Name of the Pace, Address and Other
Descriptions.

Place: _____ to the Government of the

Date: _____

Form C
(See rule 8)

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

(State of name of a place where the pregnancy is to be terminated).

Signature.

Place:
Date:

(To be filled by guardian where the woman is lunatic or minor)

I..... son/ daughter/ wife
of..... aged about.....
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 pregnancy).

Place:

Signature

Date:

THE MEDICAL TERMINATION OF PREGNANCY REGULATIONS, 1975

G.S.R. 2544, dated 10th October, 1975. - In exercise of the powers conferred by Sec.7 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Central Government hereby makes the following Regulations, namely:

1. Short title, extent and commencement.-These regulations may be called the Medical Termination of Pregnancy Regulations, 1975.

(2) They extend to all the Union Territories.

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

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

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

(b)"Admission Register" means the register maintained under regulation 5 ;

(c)"Approved place" means a place approved under rule 4 of the Medical Termination of pregnancy Rules, 1975;

(d) "Chief Medical Officer of the State" means the Chief Medical Officer of the State, by whatever name called;

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

(f)"Hospital" means a hospital established or maintained by the Central Government or the Government of the Union Territory;

(g) "Section" means a section of the Act.

3. Form of certifying opinion or opinions.- (1) Where one registered medical practitioner forms or not less than two registered medical practitioners form such opinion as is referred to in sub-section (2) of Sec.3 or Sec.5, he or they shall certify such opinion in Form 1.

(2) Every registered medical practitioner who terminates any pregnancy shall, within three hours from the termination of the pregnancy certify such termination in Form 1.

Comment

Regulation 3 (2) requires the medical practitioner terminating the pregnancy to certify the termination within three hours from such termination.

4. Custody of forms. -

(1) The consent given by a pregnant woman for termination of her pregnancy, together with the certified opinion recorded under Sec. 3 or Sec.5, as the case may be and the intimation of termination of pregnancy shall be placed in an envelope which shall be sealed by the registered medical practitioner or practitioners by whom such termination of pregnancy was performed and until that envelope is sent to the head of the hospital or owner of the approved place or the Chief Medical Officer of the State, it shall be kept in the safe custody of the concerned registered medical practitioner or practitioners, as the case may be.

(2) On every envelope referred to in sub-regulation (1), pertaining to the termination of the pregnancy under Sec. 3, there shall be noted the serial number assigned to the pregnant women in the Admission Register the name of the registered medical practitioner or practitioners by whom the pregnancy was terminated and such envelope shall be marked 'secret'.

(3) Every envelope referred to in sub-regulation (2) shall be sent immediately after the termination of the pregnancy to the head of the hospital or owner of the approved place where the pregnancy was terminated.

(4) On receipt of the envelope referred to in sub-regulation (3), the head of the hospital or owner of the approved place shall arrange to keep the same in safe custody.

(5) Every head of the hospital or owner of the approved place shall send to the Chief Medical Officer of the State, a weekly statement of cases where medical termination of pregnancy has been done in Form II.

(6) On every envelope referred to in sub-regulation (1), pertaining to a termination of pregnancy under Sec. 5, shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and the date on which the pregnancy was terminated and such envelope shall be marked "secret".

Explanation. -The columns pertaining to the hospital or approved place and the serial number assigned to the pregnant woman in the Admission Register shall be left blank in Form 1 in the case of termination performed under Sec. 5.

(7) Where the pregnancy is not terminated in an approved place or hospital, every envelope referred to in sub-regulation (6) shall be sent by registered post to the Chief medical Officer of the State on the same day on which the pregnancy was terminated or on the working day next following the day on which the pregnancy was terminated:

Provided that where the pregnancy is terminated in an approved place or hospital, the procedure provided in sub-regulations (1) to (6) shall be followed.

5. Maintenance of Admission Register. -

(1) Every head of the hospital or owner of the approved place shall maintain a register in Form III for recording therein the admissions of women for the termination of their pregnancies.

(2) The entries in the Admission Register shall be made serially and a fresh serial shall be started at the commencement of each calendar year and the serial number of the particular year shall be distinguished from the serial number of other years by mentioning the year against the serial number, for example, serial number 5 of 1972 and serial number of 1973 shall be mentioned as 5/1972 and 5/1973.

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

Comment

Regulation 5 (3) provides for maintaining the secrecy of the information contained in the Admission Register by imposing the restriction on the disclosure of the same to any person.

6. Admission Register not to be open to inspection.-The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or by any person authorised by such head or owner and save as otherwise provided in sub regulation (5) of regulation 4 shall not be open to inspection by any person except under the authority of :

(i) in the case of a departmental or other enquiry, the Chief Secretary to the Government of a Union Territory;

(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 other action for damages, the District Judge within the local limits of whose jurisdiction the hospital or approved place is situated.

Provided that the registered medical practitioner shall, on the application of an employed woman whose pregnancy has been terminated, grant a certificate for the purpose of enabling her to obtain leave from her employer:

Provided further that any such employer shall not disclose this information to any other person.

Comment

Under this regulation the employer is restricted from disclosing the information as to the termination of pregnancy of his female employee to any person.

7. Entries in registers maintained in hospital or approved place. -No entry shall be made in any care-sheet, operation theatre register, follow-up card or any other document or register (except the Admission Register) maintained at any hospital or approved place indicating therein the name of the pregnant woman and reference of the pregnant woman shall be made therein by the serial number assigned to such woman in the Admission Register.

8. Destruction of Admission Register and other Papers.- Save as otherwise directed by the Chief Secretary to the Union Territory Administration or for in relation to any proceeding pending before him, as directed by a District Judge or Magistrate of the first class, every Admission Register shall be destroyed on the expiry of a period of five years from the date of the last entry in that Register and other papers on the expiry of a period of three years from the date of the termination of the pregnancy concerned.

Comment

Nomally the Admission Register should be destroyed on the expiry of a period of five years from the date of its last entry.

**FORM I
(See Regulation 3)**

.....
(Name and qualification on the Registered Medical
.....
.....

Practitioner in block letters)
.....
.....

(Full address of the Registered Medical Practitioner)
I.....
.....

Name and qualification of the Registered Medical Practitioner in block letters)
.....
.....

(Full address of the Registered Medical Practioner) hereby certify that
*I/We/am/are of opinion, formed in good faith,
that it is necessary to terminate the pregnancy of
.....

(Full name of pregnant woman in block letters)
resident of
.....
.....

(Full name of pregnant woman in block letters)
for the reason given below**,
.....

*I/ We hereby give intimation that *I/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 Registered Medical Practitioner.

Signature of Registered Medical Practitioner.

Place:

Date:

* Strike out whichever is not applicable the one which is appropriate.

** Of the reasons specified items (i) to (v) write.

- (i) In order to save the life of the pregnant woman.
- (ii) In order to prevent grave injury to the physical or mental health of pregnant woman.
- (iii) In view of the substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped
- (iv) As the pregnancy is alleged by pregnant woman to have been caused by rape.
- (v) As the pregnancy has occurred as a result of failure of any contraceptive device or method used by the married woman or her husband for the purpose of limiting the number of children.

NOTE.- Account may be taken of the pregnant women's actual or reasonably foreseeable environment in determining whether the continuance of a pregnancy would involved a grave injury to her physical or mental health.

Signature of the Registered Medical Practitioner

Signature of the Registered Medical Practitioner

Place:

Date:

FORM II
[See Regulation 4(5)]

1. Name of the State.
2. Name of Hospital/ approved place.
3. Duration of pregnancy (give total number 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) Sterilization
 - (b) I.U.D.
- (6) Reasons of termination: (give total number under each sub-head);
 - (a) Danger to life of the pregnant woman.
 - (b) Grave injury to the mental health of the pregnant woman.
 - (c) Grave injury to the physical 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 was to be seriously handicapped.
 - (f) Failure of any contraceptive device or method.

*Signature of the Officer
in-charge with date.*

FROM III
(See 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 Patient | Wife/Daughter | Age | Religion |
|---|-----------------------|--|---|------------------------------|--------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| Address | Duration of Pregnancy | Reasons of which pregnancy is terminated | Date of Termination of pregnancy | Date of discharge of patient | Result and remarks |
| 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | |
| Name of Registered Medical Practitioner (s) by whom the opinion is formed | | | Name of Registered Medical Practitioner by whom Pregnancy is terminated | | |
| | | | | | |