



KAMARAJ IAS ACADEMY
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Medical Termination of Pregnancy (Amendment) Act

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Why in news?

Delhi High court allows minor rape victim to terminate 26 week pregnancy

It noted that unwanted pregnancy constitutes a “grave injury to the mental health of the survivor”.

Medical Termination of Pregnancy Act (MTPA), 2021

The **Medical Termination of Pregnancy Act (MTPAA) 2021** amended the MTP Act 1971 to *increase the upper gestation limit for termination of pregnancy under certain conditions.*

“The MTPAA” was passed due to the *advancement in medical science regarding safer abortions.*

The MTPAA *expands access to safe and legal abortion services on therapeutic, eugenic, humanitarian and social grounds* to ensure universal access to comprehensive care.

MTP, 1971, **legalises abortion in India up to 20 weeks of pregnancy** when *provided by a registered medical practitioner (RMP)* at a registered medical facility.

A **written Consent of a guardian** is required for termination of pregnancy in two cases-

1 When a **woman is below the age of 18 years** or

2 When a **woman has a mental illness** (irrespective of her age).

The MTP Act defines a guardian as someone who cares for the minor.

This does not imply that only parent/s are required to consent.

Features of MTPAA, 2021

Termination due to Failure of Contraceptive Method or Device

- A pregnancy may be **terminated up to 20 weeks** by a married woman in the case of **failure** of a contraceptive method or device.
- It **allows unmarried women** to also terminate a pregnancy for this reason.

Time limit and grounds for terminating a pregnancy

- The 1971 Act specifies the **grounds and time limit** for terminating a pregnancy.
- The MTPAA, 2021, **amends** these provisions.

Upper Gestation Limit for Special Categories

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Time Since Conception	Requirement for terminating Pregnancy	
	MTP Act, 1971	MTP (Amendment) Act, 2021
Up to 12 weeks	Advice from one RMP	Advice from one RMP
12 to 20 weeks	Advice from two RMPs	Advice from one RMP
20 to 24 weeks	Not allowed	Two RMPs for some categories of pregnant women
More than 24 weeks	Not allowed	Medical Board in case of substantial foetal abnormality
Any time during the pregnancy	If immediately necessary to save a pregnant woman's life	

- The Act Increases the **upper gestation limit** from **20 to 24 weeks** for special categories of women.
- This includes **survivors of rape, victims of incest and other vulnerable women** (differently abled women, minors, among others).

1. Medical Boards

- **All state and UT** governments will constitute a **Medical Board**.
- The **Board will decide** if a pregnancy may be terminated after **24 weeks** due to **substantial foetal abnormalities**.
- The medical board is to provide a decision **within three days** of being approached.

1. Confidentiality

- The “**name and other particulars of a woman** whose pregnancy has been terminated **shall not** be revealed” **except to a person authorised** in any law that is currently in force.