

Ready Reckoner for MTP Act & Rules 2021

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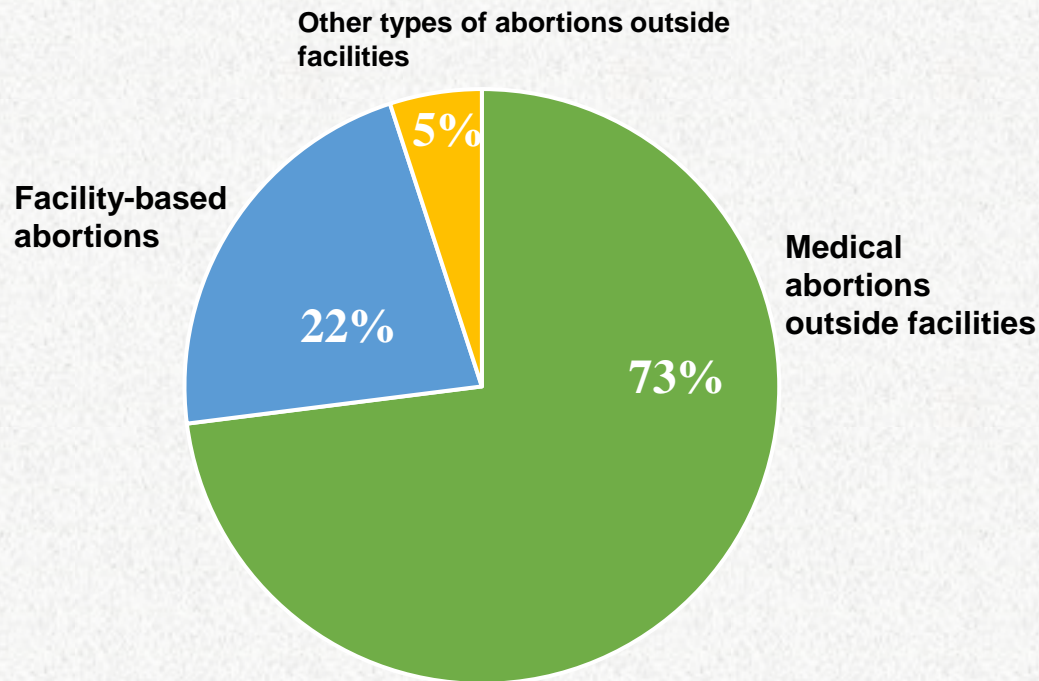
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Abortion Context in India

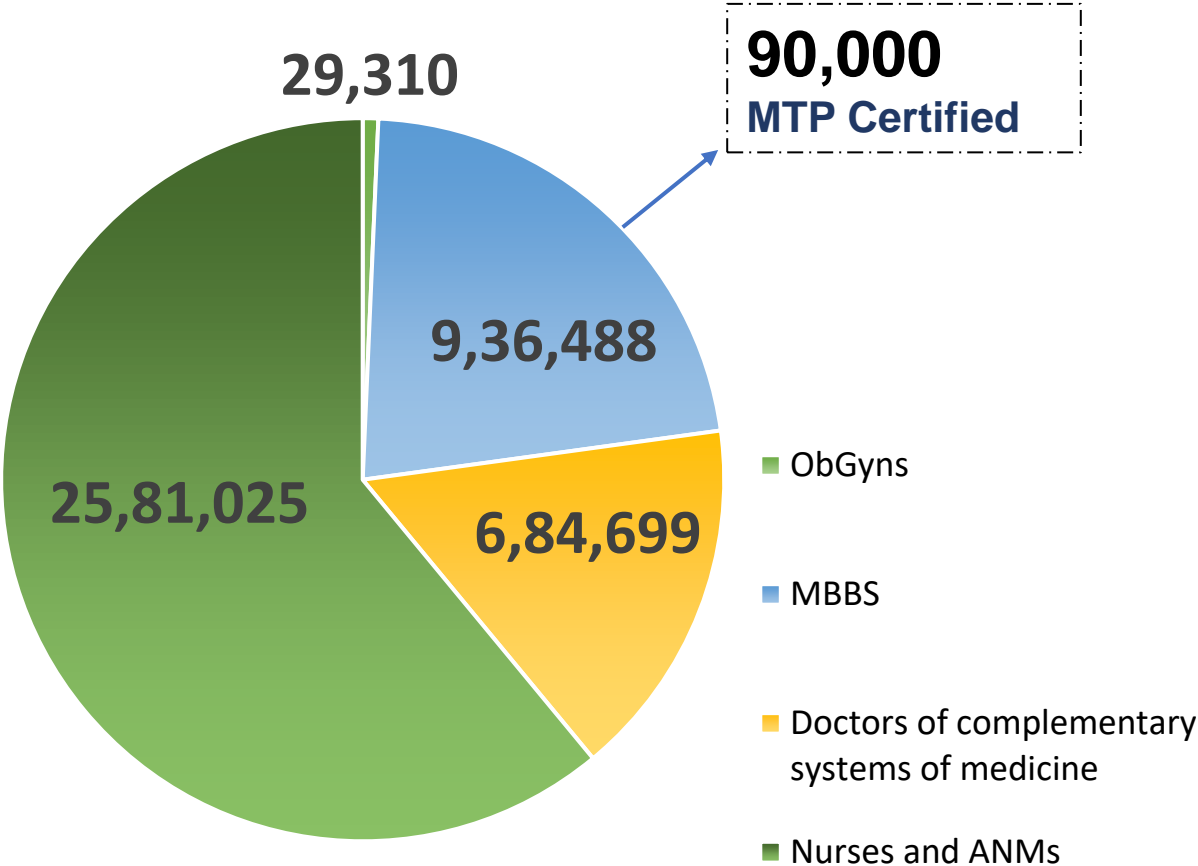
15.6 million annual abortions in India



>3/4
abortions
take place outside
health facilities

Cadres of Health Workers

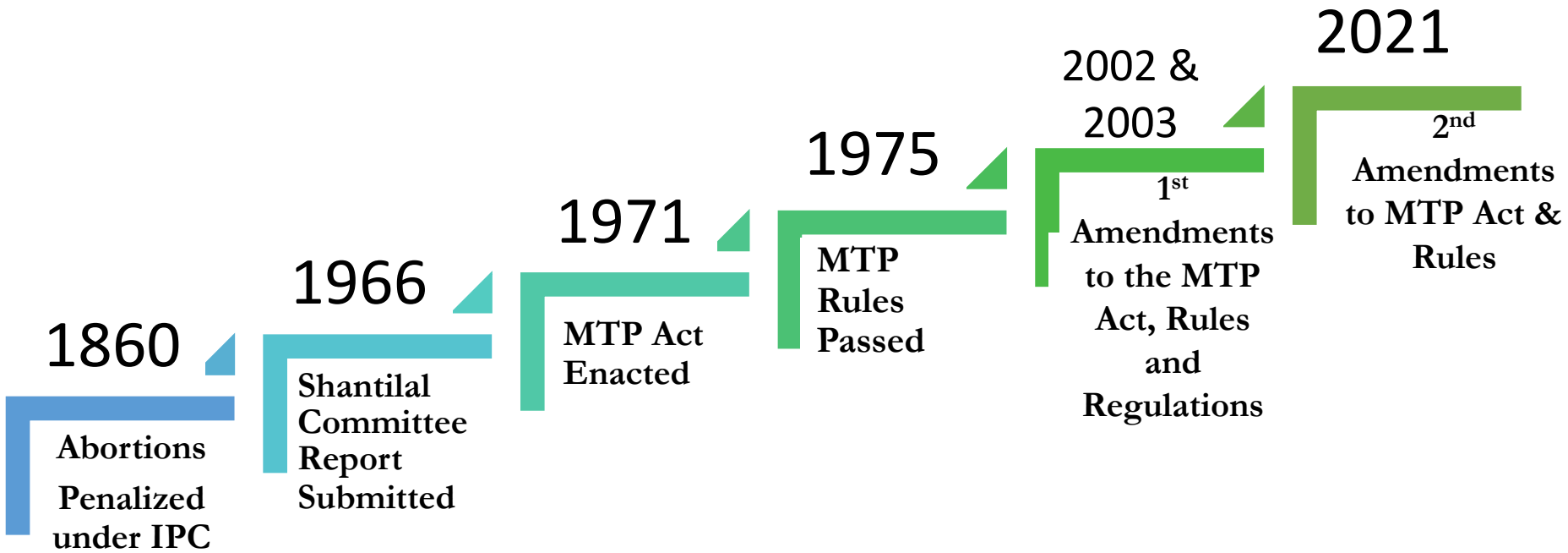
(Estimated numbers)



of the potential health workers permitted to offer abortion services in India

The above are cadre eligible to provide first-trimester abortions as per WHO guidelines, but as per MTP Act, only MBBS (after training) and Obgyn are permitted to provide abortions in India.

History of Abortion Legalization in India



Timeline of Legal Changes

What does the MTP Act specify?

- Gestation limits for MTP
- Indications for MTP
- Who can provide MTP
- Where can MTPs be provided
- Consent requirements
- Penalty for violation of the Act

1971 The Medical Termination of Pregnancy Act

Termination of pregnancy permitted for a broad range of conditions up to 20 weeks of gestation

WHEN? (INDICATIONS)

1. In order to save life of a pregnant woman
2. In order to prevent grave injury to the physical or mental health of the pregnant woman
3. In view of the substantial risk of congenital anomalies in the child
4. Pregnancy due to rape
5. Pregnancy due to contraceptive failure in a married couple

WHO?

Opinion of 1 doctor required

First Trimester (up to 12 weeks)

- Gynecologist
- MBBS who has undergone MTP training as per the MTP Act

Opinion of 2 doctors required

Second Trimester (12-20 weeks)

- Gynaecologist

WHERE?

1. Hospital Established Or Maintained By the Government
2. Private Facilities Approved By the Government (District Level Committee)

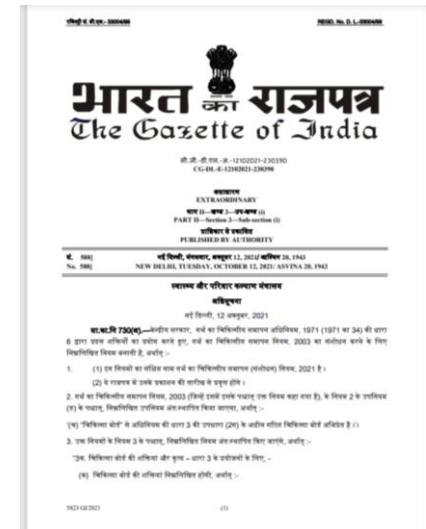
Key Amendments in MTP Act & Rules: 2021



2021 The Second Amendment to the Medical Termination of Pregnancy Act, 1971

Key changes in the Act:

1. **Confidentiality** to be strictly maintained
2. Pregnancy termination **anytime during pregnancy in cases of substantial foetal abnormalities** - medical boards to be constituted to decide cases of termination of pregnancy beyond 24 weeks of gestation period
3. Increased the **upper gestation limit from 20 to 24 weeks for special categories** of women
4. Failure of contraception: Condition extended to **unmarried women** also
5. Opinion of **one RMP for MTP up to 20 weeks** and two RMPs for 20 – 24 weeks



Increased Gestation Limit - 1

From **20 – 24 weeks** for special category of women

Impact

- *Improved access to services for vulnerable women who are likely to come late for services;*
- *No court permission is required.*

Special Category of Women:

- a) Survivors of sexual assault or rape or incest;
- b) minors;
- c) change of marital status during the ongoing pregnancy (widowhood and divorce);
- d) women with physical disabilities [major disability as per criteria laid down under the Rights of Persons with Disabilities Act, 2016 (49 of 2016)];
- e) mentally ill women including mental retardation;
- f) the foetal malformation that has substantial risk of being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped; and
- g) women with pregnancy in humanitarian settings or disaster or emergency situations as may be declared by “the Government.”

Increased Gestation Limit - 2

No gestation limit for **substantial foetal abnormalities**, on approval by Medical Board

Impact

- Women in these situations will not have to undergo cumbersome court procedures;
- Approval/denial for pregnancy termination and the abortion procedure will be more timely.

Composition of Medical Boards:

- a) a Gynaecologist;
- b) a Paediatrician;
- c) a Radiologist or Sonologist;
- d) such other number of members as may be notified in the official gazette by the State Government or Union Territory as the case may be.

Extended Indication for Pregnancy Termination

‘Failure of contraception’ as an indication for termination up to 20 weeks”, extended to unmarried women

Impact

- Equal autonomy to women for reproductive choices regardless of marital status;
- Improved acceptance of choices made by an individual/woman



Increased Provider Base (New Cadre of Providers)

MBBS doctors with defined training and experience are approved to perform **MTPs up to 9 weeks only with the Medical Method of Abortion (MMA)**

Impact

- Abortion services up to 9 weeks with MMA available at the lower-level facilities, with minimal infrastructure requirements;
- Increased number of sites/facilities providing MTP (up to 9 weeks with MMA) services



Easy Provider Opinion Norms

One eligible provider's opinion till 20 weeks of pregnancy termination; Opinion by 2 eligible providers from 20-24 weeks

Impact

- Increased availability of 2nd trimester (12 – 20 weeks) MTP services at sites with even one eligible provider





Barriers Exist for Women to Access Safe Abortion



Women lack awareness

- Only 22% are aware that abortion is legal in India*
- 62% believe that abortion is a sin*

Women do not have decision-making agency

- Only 3% choose their own doctor*
- Only 5% could visit friends or relatives outside the village unescorted*

Services they need are not available close to where women stay

- Only one abortion doctor per 200,000 population
- Private-sector ob-gyns are clustered in urban areas – 20% of districts had no private ob-gyn providing abortion services**

Lack of awareness among service providers

*IDF's community-level assessment in Assam and Madhya Pradesh, 2018 **National FOGSI database for 10 states, 2020



Ipas Development Foundation is an Indian non-profit Section 8 entity (under the Companies Act, 2013) that works to improve the sexual and reproductive health of women and girls.