

DEFINITION:-

It is premature Expulsion of fetus from the mother's womb at any time of pregnancy before full term is completed

Latin word **Aboriri** means get detached from the proper site

By convention- Abortion used to denote termination of pregnancy during 1st trimester

Miscarriage- Termination during 2nd semester

Premature birth – Termination during 3rd semester

Law of the land does not recognize Abortion, Miscarriage or Premature birth as

Separate entities, hence, all those terms are referred as **abortion** in the Court of Law

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- **NATURAL (Spontaneous)** 10 to 15% of all pregnancy
- ***a) Maternal causes:-***
 - i) Disease like severe anemia, Ch. Nephritis, Hepatitis, Hypertension, Syphilis
Thyrotoxicosis, Endocrinal disorders, General ill-health, Under nourishment, etc.
 - ii) Poisoning by Lead, Copper, Mercury and others
 - iii) Nervous and mental causes like sudden shock, fear, joy etc.
 - iv) Injuries like fall from height, from missed steps, blows or pressure on abdomen
 - v) Uterine diseases like endometritis, fibroid tumors, retro- verted uterus
 - vi) Ovarian diseases
 - vii) Placental causes
 - viii) Excessive sexual cohabitation
 - ix) Hormonal imbalance
- ***b) Fetal causes:-***
Diseases of decidua, mal development, torsion of the cord, etc.

- Justifiable (Therapeutic)

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- Criminal

Justifiable (Therapeutic)

- Before the Medical Termination of Pregnancy became a legal option, women were not allowed to abort, unless there was proven threat to life
- Rape victim, unmarried females, widows if pregnant had to resort to alternative means i.e. criminal abortion leading high mortality/morbidity.
- Liberalisation of rules owes much to Dr. Alec Bourne, a gynaecologist, of spotless credentials of suburban London, who performed an abortion with parents consent on a 14 years old girl who became pregnant due to rape by 5 British soldiers, officers in the Royal Horse Guards, in a London barrack in 1938.
- He performed operation without fee and without any secrecy at St Mary's Hospital. He later notified the Police, making a full and clear disclosure
- Dr. Bourne was arrested.
- During trial he justified his action on the ground that the girl would have been carrying around in her body for rest of the months, a child conceived out of rape, which would have harmed her mental health

- *It was for the first time that **mental trauma** arising out of an unwanted pregnancy was highlighted in a court of Law*
- *Dr. Bourne was acquitted.*
- *This became a benchmark case, serving as a forerunner for the subsequent liberalisation of medical termination of pregnancy.*
- **Abortion act, 1967** In UK
- **MTP Act 1971** **In India**
In Nepal- Termination legalised in 2002
Status in Pakistan- Governed by old IPC Act of 1860
Bangla Des- in 1972 Law allowed abortion for women
raped during war

MTP Act 1971

(No. 34 of 1971)

- **It has 8 sections.**
- 1. Describes short title, extent and commencement
- 2. Definition (guardian, lunatic, minor, registered medical practitioner)
- 3. When pregnancies may be terminated by registered medical practitioners
- 4. Place where pregnancy can be terminated
- 5. Sections 3 and 4 when not to apply
- 6. Power to make rules (by Central Government)
- 7. Power to make regulations (by State Government)
- 8. Protection of action taken in good faith

MTP Act 1971 was regarded a great step forwards towards the right of women to decide to be or not to be a mother.

- Presently, it is not a right that every woman can exercise solely by her decision

As per the Act, it is solely at the discretion of the doctor that a woman may or may not undergo abortion

MTP Act 1971 has greatly liberalized the existing provisions in the Penal Code on abortion:

IPC **312** (Causing miscarriage)- punishment up to 3 yrs. Simple imprisonment or fine or with both. **Quick with child-** up to 7 yrs. SI and also fine).
(With consent of the woman)

313 Without consent of the woman- Imprisonment for life or up to 10 yrs. + fine

314 Causing death of the woman – (done with consent)- up to 10 yrs + fine

Without consent- life imprisonment +fine

315 Act done with intent to prevent the child being born alive, or to cause it to die after birth- Imprisonment up to 10 yrs.

~~316 Causing death of a quick, unborn child- Imprisonment up to 10 yrs.~~

As per the act, a registered medical officer is qualified to perform MTP

if

- * He has assisted in at least 25 cases of MTP in a recognised hospital, out of which at least 5 cases must have been performed independently.
- * Specialist- MD in obstetrics, DGO.
- * 6 months experience in house- surgeonship in obstetrics in a recognised hospital.
- * One year experience in the dept. of Gynae & Obstetrics

Place

MTP – In any Govt. hospital,

- or non-government institution, provided that a *licence for MTP* has been provided by the district CMO. (The hospital must be well equipped for anaesthesia and operation)

Emergency Provision:- to save the life of a woman.

Pregnancy caused by rape:-

Woman has not lodged complaint with police, **wants MTP**

- MTP can be done at government/ approved institution .

(Doctor will report to the police and preserve sample of product of conception for DNA profiling).

the termination of pregnancy can be done under the following conditions.

1. **Therapeutic grounds** as a health measure

When the continuation of pregnancy will cause grave injury to the **physical or mental health/ or life** of the pregnant woman

2. On **Eugenic ground**

If there is evidence to suggest that the child to be born would suffer from severe physical or mental abnormalities.

Example:- TORCH infection in mother in 1st trimester of pregnancy

3. **Humanitarian**

Pregnancy resulted from rape

4. **Social**

Pregnancy resulted from failure of contraceptive in a **married woman or her husband**

Any woman over the age of 18 yrs.

Minor or woman suffering with mental illness:- consent of the guardian

Married woman:- consent of the husband:- not legally required

Duration of gestation (i.e. Up to what period pregnancy can be terminated?)

- (a) Up to 12 weeks:- One medical officer alone in good faith can take the decision of performing an abortion
- (b) 12-20(twenty) weeks:- Such opinion must be of 2 doctors (or more)

More than 20 (twenty) weeks:-

Only one condition i.e. Termination of pregnancy immediately necessary to save the life of the pregnant woman

(In such situation only one doctor can form opinion in good faith for termination and will proceed for termination)

NOTE:- As per MTP Act 1971 on Eugenic ground termination can be done up to 20 weeks

• As per MTP Act 1971 punishment for willfully violating the rules

RMP shall be liable to be punished with fine which may extend to 1000 rupees.

No suit for other legal proceeding shall lie against the RMP for any damage caused / likely to be caused by anything which is in good faith done or intended to be done under this Act

Medical Termination of Pregnancy Act 1971 referred as the **PRINCIPAL Act**

Word Lunatic changed to **mentally ill person**

Substitution of new section for section 4 – Place where the pregnancy may be terminated

Termination of pregnancy can be done only-

- In **Govt. hospital**
- In **other hospital approved by the Govt. or District Level Committee**.
- Constituted by that Govt. or Chief Medical Officer or District Health Officer.

District Level Committee- not less than 3 and not more than 5 members including Chairperson.

CMO/ DHO will be the Chairperson

Amendment of section 5 – Termination of pregnancy by a person who is not RMP:- RI **(Rigorous Imprisonment)** 2-7 yrs.

- Termination in a place other than place mentioned in section 4: – RI 2 to 7 yrs.
- Owner of such place (administrative head or otherwise):- RI 2 to 7 yrs.

IN 2018, Medical Termination of Pregnancy Act, 1971 (**PRINCIPAL Act**) was further amended and it is called the

Medical Termination of Pregnancy (Amendment) Act, 2018

- Amendment of section 3 clause(b) for the words “twenty weeks” the words “twenty-four weeks
- in case of rape survivor”, anytime during the pregnancy, but before twenty-seven weeks” shall be substituted.
- **After section 4 of the principal Act, the following has been inserted**

Central Supervisory Board members

- Medical Genetics
- Gynaecologists and Obstetricians
- Paediatricians,
- Social Scientists
- Representatives of Women Welfare organisation

Chairperson of the Board - from among the members

majority opinion of the Central Supervisory Board:- continuation of pregnancy may involve a major risk in case the child is born with following abnormalities

- a) Chromosomal abnormalities
- b) Genetic metabolic diseases
- c) Haemoglobinopathies
- c) sex- linked genetic diseases
- e) congenital abnormalities or
- f) another abnormalities or diseases as may be specified by the

Central Supervisory Board,

pregnancy irrespective of its length, shall be terminated in accordance with the provisions of section 4 (place)

MTP Rules 1972 was repealed

- **MTP Rules 1975**
- which was further Repealed in 2003 and the new rules are called
 - **MTP Rules 2003**

Medical Termination of Pregnancy (Amendment) Bill, 2020 introduced Lok Sabha on Mar 02, 2020 and passed on Mar 17, 2020.)

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- Duration of pregnancy

~~Up to 12 weeks~~

~~12 to 20 weeks~~

Up to 20 weeks - opinion formed in good faith for the termination –
by a single doctor

Between 20 to 24 weeks – opinion of two doctors
only apply to specific category of women

Rape survivor- Pregnancy be terminated within 27 weeks of such pregnancy

Central Supervisory Board- Medical Genetics

- Gynaecologists and Obstetricians
- Paediatricians,
- Social Scientists
- Representatives of Women Welfare organisation

Upper limit of termination in foetal abnormalities – opinion of the above Board.

• The MTP (Amendment) Bill 2020

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- Pregnancy as a result of failure of any device or method-
- - replaces 'married woman or her husband' with 'woman or her partner'

Protection of privacy of a woman

RMP will not be allowed to reveal the name and other particulars of a woman whose pregnancy has been terminated, except to a person authorized by Law.

On violation of this rule- Imprisonment up to one year, or fine or with both

Methods of Inducing MTP

- Depends on duration of pregnancy in each case
- Medical – Mifepristone (RU- 486) and Misoprostol {effective upto 63 days}
- 1st 3 months:-

Dilatation and curettage (D & C)

Vacuum suction and curettage

Under both methods:-

Cervical canal is first dilated by no. 4 Hegar's dilator under LA/GA

and then the product of conception removed by scooping out by a uterine curettage

or Sucked out by connecting to vacuum suction evacuation equipment.

Beyond 3 months:-

Induction by I.V. drip of Prostaglandin E₁ and E₂. It causes uterine contraction and expel the fetus

Amniocentesis

~~*Abdominal hysterectomy*~~- preferred after 4 months of pregnancy.