

# MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19<sup>th</sup> December, 2002 28, 1924 (Saka)

"The following Act of Parliament received the assent of the President on the 18<sup>th</sup> December, 2002 and is hereby published for general information:-

## THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) ACT, 2002

No. 64 of 2002

[18<sup>th</sup> December, 2002]

An Act to amend the Medical Termination of Pregnancy Act, 1971.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

### Short title and commencement

1. (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2002.

(2) It shall come into force on such dates as the Central Government may by notification in the Official Gazette, appoint.

### Amendment of Section 2

2. In section 2 of the Medical Termination of Pregnancy Act, 1971 (herein referred to as the principal Act),-

(i) in clause (a), for the word "lunatic", the words "mentally ill person" shall be substituted;

(ii) for clause (b), the following clause shall be substituted namely:-

'(b) "mentally ill person" means a person who is need of treatment by reason of any mental disorder other than mental retardation.'

### Amendment of Section 3

3. In section 3 of the principal Act, in sub-section (4), in clause (a), for the word "lunatic", the words "mentally ill person" shall be substituted.

### Substitution of new Section 4

4. For section 4 of the principal Act, the following section shall be substituted, namely:-

"4. 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 or a District Level Committee constituted by that Government with the Chief Medical Officer or District Health Officer as the Chairperson of the said Committee:

Provided that the District Level Committee shall consist of not less than three and not more than five members including the Chairperson, as the Government may specify from time to time."



### **Amendment of Section 5**

5. In section 5 of the principal Act, for sub-section (2) and the explanation thereto the following shall be substituted, namely:-

(2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), the termination of pregnancy by a person who is not registered medical practitioner shall be an offence punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years under that Code, and that Code shall to this extent, stand modified.

(3) Whoever terminates any pregnancy in a place other than that mentioned in section 4, shall be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.

(4) Any person being owner of a place which is not approved under clause (b) of section 4 shall be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.

Explanation 1 – For the purpose of this section, the expression "owner" in relation to a place means any person who is the administrative head or otherwise responsible for the working or maintenance of a hospital or place, by whatever name called, where the pregnancy may be terminated under this Act.

Explanation 2 – For the purpose of this section, so much of the provisions of clause (d) of section 2 as relate to the possession, by registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.'

**SUBHASH C. JAIN**

Secy. to the Govt. of India