

# The Medical Termination of Pregnancy Act, 1971<sup>1</sup>

(Medical Termination of Pregnancy Act, 1971)

[Act 34 of 1971 as amended up to Act 8 of 2021]

[10th August, 1971]

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## CONTENTS

1. Short title, extent and commencement
2. Definitions
3. When pregnancies may be terminated by registered medical practitioners
4. Place where pregnancy may be terminated
5. Sections 3 and 4 when not to apply
- 5-A. Protection of privacy of a woman
6. Power to make rules
7. Power to make regulations
8. Protection of action taken in good faith

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## Medical Termination of Pregnancy Act, 1971

[Act 34 of 1971]

[10th August,  
1971]

*An Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto*

Statement of Objects and Reasons.—(1) The provisions regarding the termination of pregnancy in the Indian Penal Code which were enacted about a century ago were drawn up in keeping with the then British Law on the subject. Abortion was made a crime for which the mother as well as the abortionist could be punished except where it had

to be induced in order to save the life of the mother. It has been stated that this very strict law has been observed in the breach in a very large number of cases all over the country. Furthermore, most of these mothers are married women, and are under no particular necessity to conceal their pregnancy.

(2) In recent years, when health services have expanded and hospitals are availed of to the fullest extent by all classes of society, doctors have often been confronted with gravely ill or dying pregnant women whose pregnant uterus has been tampered with a view to causing an abortion and consequently suffered very severely.

(3) There is thus avoidable wastage of the mother's health, strength and, sometimes, life. The proposed measure which seeks to liberalise certain existing provisions relating to termination of pregnancy has been received (1) as a health measure—when there is danger to the life or risk to physical or mental health of the woman; (2) on humanitarian grounds—such as when pregnancy arises from a sex crime like rape or intercourse with a lunatic woman, etc., and (3) eugenic grounds—where there is substantial risk that the child, if born, would suffer from deformities and diseases.—Gazette of India, Pt. II, Section 2, Extra., dated November 17, 1969, p. 880.

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 <sup>2</sup>[\* \* \*].

(3) It shall come into force on such date <sup>3</sup>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 <sup>4</sup>[mentally ill person];

<sup>5</sup>[(aa) “Medical Board” means the Medical Board constituted under sub-section (2-C) of Section 3 of the Act;]

<sup>6</sup>[(b) “mentally ill person” means a person who is in need of treatment by reason of any mental disorder other than mental retardation;]

(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 recognised medical qualification as defined in clause (h) of Section 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 gynaecology and obstetrics as may be prescribed by rules made under this Act.

<sup>1</sup>[(e) "termination of pregnancy" means a procedure to terminate a pregnancy by using medical or surgical methods.]

► **Lunatic.**—Though the Indian Lunacy Act defines "lunatic" as an idiot or a person of unsound mind, the said words have not been defined. Both these words indicate an abnormal state of mind as distinguished from weakness of mind or senility following old age. A man of weak mental strength cannot be called an idiot or a man of unsound mind. The definition does not include dull-witted people but only those who suffer from a mental disorder or derangement of the mind, *Mandaloju Ganga Bhavanamma v. Gadde Somaraju*, 1955 SCC OnLine AP 77.

No person can have direct experience of the mind of another and the proper test of insanity conduct. A person might conceivably have all kinds of delusions, but if his conduct remains normal there would be no justification for holding him to be lunatic, *Abdul Razak v. Commissioner of Income-Tax*, 1935 SCC OnLine Pat 82.

► **Unsoundness of mind.**—"Unsoundness of mind" implies some unusual feature of the mind as has tended to make it different from the normal and has in effect impaired the man's capacity to look after his affairs in a manner in which another person without such mental irregularity would be able to do in the matter of his own. The idea suggests some derangement of the mind and it is not to be confused with or taken as analogous to a mere mental weakness or lack of intelligence, *Sarjug Singh v. Gulabo Kuer*, 1968 SCC OnLine Pat 82.

If a man is able to understand and answer questions on various matters except those relating to arithmetical calculations, he cannot be regarded as mentally unsound although he would be held as having a weak or undeveloped mind, *Joshi Ram Kishan v. Rukmini Bai*, 1949 SCC OnLine All 235.

► **"Mentally ill" and "mentally retarded" — Distinction.**—Persons in condition of "mental retardation" should ordinarily be treated differently from "mentally ill" persons. Condition of mental retardation or developmental delay can be gauged on basis of parameters such as intelligent quotient (IQ) and mental age (MA) which mostly relate to academic abilities, *Eera v. State (NCT of Delhi)*, (2017) 15 SCC 133.

3. **When pregnancies may be terminated by registered medical practitioners.**—(1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860)<sup>2</sup>, 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.

<sup>2</sup>[(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 twenty weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks in case of such category of woman as may be prescribed by rules made under this Act, if not less than two registered medical practitioners are,

of the 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 to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from any serious physical or mental abnormality.

*Explanation 1.*—For the purposes of clause (a), where any pregnancy occurs as a result of failure of any device or method used by any woman or her partner for the purpose of limiting the number of children or preventing pregnancy, the anguish caused by such pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.

*Explanation 2.*—For the purposes of clauses (a) and (b), where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by the pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

(2-A) The norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age shall be such as may be prescribed by rules made under this Act.

(2-B) The provisions of sub-section (2) relating to the length of the pregnancy shall not apply to the termination of pregnancy by the medical practitioner where such termination is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board.

(2-C) Every State Government or Union territory, as the case may be, shall, by notification in the Official Gazette, constitute a Board to be called a Medical Board for the purposes of this Act to exercise such powers and functions as may be prescribed by rules made under this Act.

(2-D) The Medical Board shall consist of the following, namely—

(a) a Gynaecologist;

(b) a Paediatrician;

(c) a Radiologist or Sonologist; and

(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.]

(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 reasonably 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 <sup>10</sup>[mentally ill person], shall be terminated except with the consent in writing of her guardian.

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

► **Scope of S. 3(2) Expln 1.**—Scope of S. 3(2) Expln 1, extends to unmarried women's right to safe abortion. After the 2021 amendment, the phrase 'married woman' was replaced by 'any woman' and the word 'husband' was replaced by 'partner'. Hence, the legislature did not intend to leave out unmarried women from the scope of the Act. "Women" includes persons other than cis-gender women who may require access to safe medical termination of their pregnancies, *X v. Health & Family Welfare Department*, 2022 SCC OnLine SC 1321.

► **Consent for termination.**—Pregnant woman's consent for termination of her pregnancy is also necessary, for the reason that Section 3(4)(a) excludes consent of "mentally ill" woman but not "mentally retarded" woman. "Mentally ill" person, according to definition in Section 2(b) [as amended in 2002], is different from "mentally retarded" person. Hence consent of mentally retarded woman is necessary, *Suchita Srivastava v. Chandigarh Admn.*, (2009) 9 SCC 1 : (2009) 3 SCC (Civ) 570.

► **Termination of pregnancy.**—Termination of pregnancy of 24 weeks for saving life of woman, reiterated. Considering that the woman apprehended danger to her life upon realising that foetus was diagnosed with cardiac anomaly, held, if allowed to be born, the foetus would have a limited life span. Hence, the woman was permitted to undergo medical termination of her pregnancy under the provisions of MTP Act, 1971, *Tapasya Umesh Pisal v. Union of India*, (2018) 12 SCC 57.

As continuation of foetus of 25/26 weeks posed grave danger to mother's life and foetus was suffering from incurable medical conditions which made it incompatible with life outside womb, medical termination of pregnancy was permitted, *A. v. Union of India*, (2018) 14 SCC 75, See also *Mamta Verma v. Union of India*, (2018) 14 SCC 289, *Mrs. A. v. State (NCT of Delhi)*, 2023 SCC OnLine Del 1405, *ABC v. State of Maharashtra*, 2023 SCC OnLine Bom 175 and *X v. State of Uttarakhand*, 2022 SCC OnLine Utt 1584.

► **Prohibition against termination.**—Prohibition against termination of pregnancy at advanced stage (beyond 20 weeks) is due to medical opinion that abortion performed during later stages of pregnancy may cause harm to physical health of woman who undergoes abortion, *Suchita Srivastava v. Chandigarh Admn.*, (2009) 9 SCC 1 : (2009) 3 SCC (Civ) 570.

► **Procedure and Grounds.**—Grounds on which pregnancy can be

terminated under Section 3 are: (a) Danger to life or risk to physical or mental health of woman, (b) humanitarian ground such as when pregnancy arises from a sex crime like rape or intercourse with lunatic woman, and (c) eugenic grounds where there is substantial risk that child born, would suffer from deformities. Section 3(2) Explanation 1 postulates that where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by the same has to be presumed to constitute a grave injury to the mental health of the pregnant woman. Once such a statutory presumption is provided, the same comes within the compartment of grave injury to mental health. While satisfaction of one medical practitioner is required for terminating a pregnancy within twelve weeks of the gestation period, two medical practitioners must be satisfied about either of these grounds in order to terminate a pregnancy between twelve to twenty weeks of the gestation period, *Z v. State of Bihar*, (2018) 11 SCC 572.

► **Woman's right of reproductive choice.**—There is right to terminate pregnancy on grounds of rape and AIDS. Both government authorities and High Court caused delay due to which pregnancy could not be terminated. State submitted that it should not be made liable because of the fault of the court. Principle that acts of court shall prejudice no man, not applicable as government authorities had failed in their statutory duty to terminate pregnancy, all requirements for the same standing satisfied. Appellant therefore, entitled to compensation, *Z v. State of Bihar*, (2018) 11 SCC 572, See also *Indu Devi v. State of Bihar*, (2017) 14 SCC 525 : (2017) 4 SCC (Cri) 916.

In the case of sexual assault, denying a woman the right to say no to medical termination of pregnancy and fasten her with responsibility of motherhood would amount to denying her human right to live with dignity as she has a right in relation to her body which includes saying yes or no to being a mother, *X v. State of U.P.*, 2023 SCC OnLine All 396.

► **Opinion of the Medical Board.**—The opinion of the Medical Board in cases of termination of pregnancy is of considerable importance. The Court enlisted standard factors on which the opinion should be given by the Board, *X v. GNCTD*, 2022 SCC OnLine Del 4274.

► **Medical examination.**—Guidelines for medical examination of pregnant rape victims exceeding 24 weeks, issued, *R. v. State (NCT of Delhi)*, (2023) 1 HCC (Del) 198.

► **“Mental illness”.**—Person suffering from mental retardation and not mental illness, can give consent for termination of pregnancy. Mental retardation does not mean that it would be inherited by the child, and it is seen that persons with mental retardation may be good parents, *Z v. State of Bihar*, (2018) 11 SCC 572.

► **Mental retardation.**—The decision of pregnant woman with mild to moderate mental retardation to carry pregnancy to its full term should be respected, *Suchita Srivastava v. Chandigarh Admn.*, (2009) 9 SCC 1 : (2009) 3 SCC (Civ) 570.

<sup>11</sup>[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 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.]

► **Reasonability of restrictions.**—The Act imposes reasonable restrictions on reproductive choices of a woman under MTP Act, *Suchita Srivastava v. Chandigarh Admn.*, (2009) 9 SCC 1.

#### NOTIFICATION

*Ministry of Health and Family Welfare (Deptt. of Family Welfare), Noti. No. S.O. 50(E), dated December 30, 2004, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 13th January, 2005, p. 2, No. 39*

In exercise of the powers conferred under sub-clause (c), clause (ii), sub-rule (1) of Rule 5 of the Medical Termination of Pregnancy Rules, 2003, to notify the drugs and parenteral fluids for emergency use, Central Government hereby notifies that places approved for conducting termination of pregnancy, under Section 4 of the Medical Termination of Pregnancy (Amendment) Act, 2002 (64 of 2002), shall provide for the following drugs and parenteral fluids for emergency use—

- (i) Drugs and parenteral fluid—
  - (a) Antibiotic - Ampicillin, amoxycillin trihydrate, cephalixin or a suitable alternative.
  - (b) Analgesic - Paracetamol, pentazocine, dicyclomine or a suitable alternative.
  - (c) Local anaesthetic - Injection Lignocaine 1 per cent.
  - (d) Injection Diazepam.
  - (e) Uterotonics - Injection Oxytocin and Injection Methylergometrine maleate. Injection Prostaglandins are optional.
  - (f) Injection Atropine suphate.
  - (g) 5 per cent Dextrose and Ringer lactate solution with IV sets and cannulae or scalp vein sets.
- (ii) Facilities for treatment of emergencies—
  - (a) Injection Adrenaline.
  - (b) Injection Aminophylline.
  - (c) Injection Sodium bicarbonate 7.5 per cent.

- (d) Injection Calcium gluconate 10 per cent.
- (e) Antiemetics - Injection Metaclopramide or a suitable alternative.
- (f) Antihistaminics - Injection Promethazine hydrochloride or a suitable alternative.
- (g) Steroid - Injection Hydrocortisone succinate.
- (h) Injection Frusemide.
- (i) Injection Dopamine.

Additional drugs and parenteral fluids—

- (i) Ethacridine lactate solution with Foley's catheter for instillation.
- (ii) General Anaesthetic drugs.

5. Sections 3 and 4 when not to apply.—(1) The provisions of Section 4, and so much of the provisions of sub-section (2) of Section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a 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.

<sup>12</sup>[(2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860)<sup>13</sup>, the termination of pregnancy by a person who is not a 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 purposes 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 purposes 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.]

► **Medical termination of pregnancy.**—Right of woman to have reproductive choice is inseparable part of her personal liberty under Article 21 of Constitution and she has sacrosanct right to have her bodily integrity, *Sarmishtha Chakraborty v. Union of India*, (2018) 13 SCC 339.

► **Good faith.**—Good faith is defined in Section 52 of the Penal Code. It says that nothing is said to be done or believed in good faith which is done or believed without due care and attention. If it is shown that the accused did not take due care and attention then his plea of good faith will be defeated, *Deivasigamani v. M.S. Rowther*, 1977 MLJ (Cri) 86.

Good faith according to the definition in General Clauses Act means a thing which is in fact done honestly, whether it is done negligently or not, *Madhav Rao Jivaji Rao Scindia v. Union of India*, (1971) 1 SCC 85 : AIR 1971 SC 530.

The General Clauses Act, 1897 says that “a thing shall be deemed to be done in good faith where it is in fact done honestly whether it is done negligently or not”. The mere plea that the accused believed that what he stated was true by itself, will not sustain his case of good faith under the Ninth Exception to Section 499, I.P.C. It must be shown that the belief had a rational basis and was not just a blind simple belief, *Harbhajan Singh v. State*, AIR 1966 SC 97.

► **Due care and attention.**—Due care and attention implies a genuine effort to reach the truth and not the ready acceptance on ill natured belief. The question of good faith is a question of fact and must be gathered from the surrounding circumstances. Mere actual belief without any reasonable grounds for believing is not synonymous with good faith; but good faith does not require logical infallibility but due care and caution, *Ganapathia Pillai v. State*, 1953 SCC OnLine Mad 19.

► **Consent obtained in good faith.**—A patient who puts himself under the treatment of a medical practitioner qualified or otherwise gives an implied consent to suffer the harm and to take the risk. But where the medical practitioner is not qualified or begins to apply a medicine which no man in his senses would dare to apply, the consent is not a consent obtained in good faith, *Juggankhan Jamshankhan v. State*, 1962 SCC OnLine MP 26.

► **Termination of pregnancy after 20 weeks.**—Termination of pregnancy after 20 weeks to save life of pregnant woman is permissible when there is grave danger to physical and mental health of pregnant woman, *Meera Santosh Pal v. Union of India*, (2017) 3 SCC 462.

<sup>14</sup>[5-A. **Protection of privacy of a woman.**—(1) No registered medical practitioner shall reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act except to a person authorised by any law for the time being in force.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year, or with fine, or with both.]

6. **Power to make rules.**—(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

<sup>15</sup>[(aa) the category of woman under clause (b) of sub-section (2) of Section 3;

(ab) the norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age under sub-section (2-A) of Section 3;

(ac) the powers and functions of the Medical Board under sub-section (2-C) of Section 3;]

(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 in 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.

**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 Section 3 to be certified by a registered medical practitioner or practitioners concerned, in such form and at such time as may 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 may be 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 clause (b) of sub-section (1) shall be given or furnished, as the case may be, to the Chief Medical Officer of the State.

<sup>16</sup>[(2-A) Every regulation made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature].

(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.

**8. Protection of action taken in good faith.**—No suit or other legal proceeding shall lie against any registered medical practitioner 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.

<sup>1</sup> Received the assent of the President on August 10, 1971, and published in *Gazette of India, Extra., Part II, Section 1*, dated 10th August, 1971, pp. 237-240.

<sup>2</sup> The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, Ss. 95, 96 and Sch. V (w.e.f. 31-10-2019).

<sup>3</sup> 1-4-1972 [*Vide* Noti. No. G.S.R. 285, dt. 19-2-1972].

19-6-2007 in the State of Sikkim [*Vide* Noti. No. S.O. 997(E), dt. 19-6-2007].

<sup>4</sup> *Subs.* for “lunatic” by Act 64 of 2002, S. 2 (w.e.f. 18-6-2003).

<sup>5</sup> *Ins.* by Act 8 of 2021, S. 2(i) (w.e.f. 24-9-2021).

<sup>6</sup> *Subs.* by Act 64 of 2002, S. 2 (w.e.f. 18-6-2003). Prior to substitution it read as:  
 “(b) lunatic has the meaning assigned to it in Section 3 of the Indian Lunacy Act, 1912 (4 of 1912).

<sup>7</sup> *Ins.* by Act 8 of 2021, S. 2(ii) (w.e.f. 24-9-2021).

<sup>8</sup> Now see the *Bharatiya Nyaya Sanhita, 2023* (45 of 2023).

<sup>9</sup> *Subs.* by Act 8 of 2021, S. 3 (w.e.f. 24-9-2021). Prior to substitution it read as:  
 “(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 to her 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 I.*—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 II.*—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.”

<sup>10</sup>: Subs. for “lunatic” by Act 64 of 2002, S. 3 (w.e.f. 18-6-2003).

<sup>11</sup>: Subs. by Act 64 of 2002, S. 4 (w.e.f. 18-6-2003). Prior to substitution it read as:  
 “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.”

<sup>12</sup>: Subs. by Act 64 of 2002, S. 5 (w.e.f. 18-6-2003). Prior to substitution it read as:  
 “(2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), the termination of 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 clause (d) of Section 2 as relate to the possession, by a registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.”

<sup>13</sup>: Now see the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

<sup>14</sup>: Ins. by Act 8 of 2021, S. 4 (w.e.f. 24-9-2021).

<sup>15</sup>: Ins. by Act 8 of 2021, S. 5 (w.e.f. 24-9-2021).

<sup>16</sup>: Ins. by Act 4 of 2005, S. 2 and Sch.