



# Guide to Accessing Safe Abortions

As of April 2025. Please note that the law on abortion keeps evolving. This guide will be updated accordingly.

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## How can the guide help you?

The Nyaaya Guide to Accessing Safe Abortions is a comprehensive resource designed to empower women, including cis-women and transgender individuals capable of getting pregnant, by shedding light on their rights when it comes to accessing abortion<sup>1</sup>. Our guide outlines the legal framework surrounding abortion and provides step-by-step information on the processes involved in obtaining a safe and lawful abortion.

[A recent UN Report - Trends in maternal mortality 2000 to 2020](#) claims that in 2020, approximately 800 women died from preventable causes related to pregnancy and childbirth.

This guide aims to raise awareness about your reproductive rights and discourage people from resorting to unsafe abortions, and preventing complications such as maternal and infant mortalities and associated morbidities.

## What are the laws being discussed in the guide?

The primary laws being dealt with are the [Medical Termination of Pregnancy Act, 1971](#) (MTP Act, 1971), [Medical Termination of Pregnancy \(Amendment\) Act, 2021](#) (MTP Amendment Act, 2021), [MTP \(Amendment\) Rules, 2021](#), and associated Acts, Rules, High Court and Supreme Court judgments relevant to abortion., We have also referred to the [Constitution of India, 1950](#), [The Bharatiya Nyaya Sanhita, 2023](#) (previously Indian Penal Code, 1860), [Protection of Children from Sexual Offences Act, 2012](#), [Rights of Persons with Disabilities Act, 2016](#), [Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994](#), [Maternity Benefit Act, 1961](#), among others.

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<sup>1</sup>

As per the Supreme Court judgment in *X vs Principal Secretary, Health and Family Welfare Department, Govt of NCT Of Delhi* C.A. No.-005802-005802 /2022 Transgender persons who are capable of being pregnant in addition to cis-gender women are both eligible to obtain safe and legal abortions.

# Are abortions legal in India?

Yes, abortions, or medical terminations of pregnancy, are legal in India.<sup>2</sup> However, there are certain conditions given for going ahead with an abortion.

'Abortion' is not the term used in law. While 'abortion' is the colloquially used term, the law recognises abortions that are in the form of 'medical termination of pregnancy (MTP)'. The Bharatiya Nyaya Sanhita (BNS), 2023, identifies and penalizes 'voluntary miscarriage', which refers to abortions not done in good faith to save the life of the pregnant woman.

In practice, this includes two methods - medical terminations and surgical terminations, which the World Health Organization recognizes as the two safe methods of terminating a pregnancy.<sup>3</sup> Medical termination refers to the use of pharmacological drugs, such as mifepristone and misoprostol, to terminate a pregnancy. The terms "non-surgical abortion" or "medication abortion" are sometimes also used.<sup>4</sup>

On the other hand, surgical termination involves the use of transcervical procedures to terminate a pregnancy, such as vacuum aspiration (which includes the use of a plastic or metal cannula to evacuate the contents of the uterus) and dilatation and evacuation (D&E) procedures (which use osmotic dilators or pharmacological agents to evacuate the uterus).<sup>5</sup>

It is important to note that hysterotomies are rarely used in contemporary abortion practice, as their morbidity, mortality, and cost are significantly higher than those of D&E or medical methods of abortion.<sup>6</sup> The MTP Amendment Act, 2021 included both of these methods in Section 2 Clause 3, which now states that a "termination of pregnancy" under the MTP Act, 1971 means a procedure to terminate a pregnancy by using medical or surgical methods.

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<sup>2</sup> Medical Termination of Pregnancy Act, 1971 and Medical Termination of Pregnancy Amendment Act, 2021

<sup>3</sup> Safe abortion: Technical and policy guidance for health systems, WHO, accessed at <https://apps.who.int/iris/bitstream/handle/10665/70914/jsessionid=9807BACDB3CB0B3D1B55BBD34D4AA3CE?sequence=1>

<sup>4</sup> Safe abortion: Technical and policy guidance for health systems, WHO, accessed at <https://apps.who.int/iris/bitstream/handle/10665/70914/jsessionid=9807BACDB3CB0B3D1B55BBD34D4AA3CE?sequence=1>

<sup>5</sup> Safe abortion: Technical and policy guidance for health systems, WHO, accessed at <https://apps.who.int/iris/bitstream/handle/10665/70914/jsessionid=9807BACDB3CB0B3D1B55BBD34D4AA3CE?sequence=1>

<sup>6</sup> Safe abortion: Technical and policy guidance for health systems, WHO, accessed at <https://apps.who.int/iris/bitstream/handle/10665/70914/jsessionid=9807BACDB3CB0B3D1B55BBD34D4AA3CE?sequence=1>

# Do you have the right to demand an abortion?

While you have a fundamental right to make reproductive choices, the final decision about the abortion will depend on whether the registered medical practitioners (RMPs) are satisfied that it is required.

The Supreme Court has linked the right to access abortions and other reproductive health services to the right to life and personal liberty under Article 21 of the Constitution, including the right to decisional privacy.<sup>7</sup> More recently, the Supreme Court held<sup>8</sup> that not only was this right fundamental but that it also extended it to unmarried and single pregnant women. The court ruled that these women, along with married women, have the right to access abortions within the permissible timeframe of 20 to 24 weeks of pregnancy. This decision ensures that all women have equal access to safe and legal abortion services during this period.

This right is not absolute, however, for the MTP Act, 1971 states that RMPs can decide whether a pregnancy can be terminated or not.

## Two different kinds of abortions

Doctors can perform two different kinds of abortions:

- Medical abortions
- Surgical abortions.

When you approach a doctor for an abortion, the first step is to do an ultrasound to ensure that the fetus is inside the uterus. Many times, it can be outside the uterus, for instance, in the fallopian tube. A pregnancy in the fallopian tube can cause a medical emergency and need an operation.

### **What happens in a medical abortion?**

- A medical abortion is done before 9 weeks of pregnancy by administering two kinds of pills, Mifepristone and Misoprostol. Taken together, they are called the “abortion pill”.<sup>9</sup>
- After the doctor has conducted your ultrasound and ensured that you are eligible for a medical abortion, the first type of pill, Mifepristone, will be given to you at the clinic. This pill acts against the progesterone in your body, i.e. cuts off the nutrition to the fetus.
- The second type of pill, Misoprostol, makes your cervix soft to ensure everything comes out like a period.

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<sup>7</sup> K.S. Puttaswamy and Anr. vs. Union of India ((2017) 10 SCC 1), Suchita Srivastava v. Chandigarh Administration, AIR 2010 SC 235; Devika Biswas v. Union of India, AIR 2016 SC 4405.

<sup>8</sup> X v. the Principal Secretary, Health and Family Welfare Department, Govt. NCT of Delhi and Anr, Civil Appeal No 5802 of 2022: 2022 SCC OnLine SC 1321.

<sup>9</sup> The Abortion Pill, accessed at <https://www.plannedparenthood.org/learn/abortion/the-abortion-pill>

- The pills must be administered within 24 to 72 hours of each other. This is different depending on which doctor you go to. They can also be taken at home.
- You must revisit the doctor after taking all the medication to check that the abortion has been successfully carried out.
- These pills are only available with a doctor's prescription and should not be taken without consulting a doctor.
- It is illegal for the pharmacist to sell these pills without a prescription. It is a non-bailable [offence](#) with imprisonment for up to 2 years, a fine, or both.

### **What happens in surgical abortions?**

- Surgical abortions are done after 9 weeks of pregnancy.
- As the name suggests, a surgical abortion is a surgical procedure that [an authorized and experienced doctor](#) conducts on you.
- In this procedure, the doctor will give you a medicine that softens your cervix along with some anesthetic or sedative. Sedation or anesthesia is used to reduce pain and/or trauma during the procedure.
- Doctors use vacuum aspiration and go in through the vagina (outside of the vulva) and suck the contents of the uterus out.
- This is a very safe procedure but it must be done by someone experienced. Surgical abortions carry rare risks, and the specific risks can vary depending on the stage of pregnancy. Before 14 weeks of pregnancy, the main risks include the need for an additional procedure to remove any remaining pregnancy tissue from the uterus. Additionally, serious complications such as heavy bleeding, damage to the womb, or sepsis may occur in about 1 out of 1,000 women. After 14 weeks of pregnancy, the main risks of surgical abortion include the possibility of needing another procedure to remove parts of the pregnancy that have remained in the womb. Very heavy bleeding can occur in approximately 1 to 10 out of 100 women. Infection is a risk, although it is relatively uncommon. Injury to the womb or the entrance to the womb (cervix) is also a rare occurrence. It is important to note that while these risks exist, they are infrequent. Healthcare professionals who perform surgical abortions are trained to minimize these risks and provide appropriate care before, during, and after the procedure. It is advisable to consult with a qualified healthcare provider to discuss any concerns and ensure a safe and well-managed abortion procedure.<sup>10</sup>
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<sup>10</sup>Risks -Abortion accessed at <https://www.nhs.uk/conditions/abortion/risks/>

## When can an abortion be performed?

A woman can medically terminate her pregnancy if she is<sup>11</sup>:

- Up to 20 weeks pregnant, with the permission of one RMP if the RMP is of the opinion, formed in good faith, that-
  - (i) Continuing the pregnancy would put the woman's life at risk or cause significant harm to her physical or mental health, or
  - (ii) there is a significant risk that the child, if born, would have a serious physical or mental abnormality,
  - (iii) If a pregnancy occurs due to the failure of any contraceptive method used by a married woman or her partner, it is considered a valid reason for terminating the pregnancy under the MTP Act.
- From 20 to 24 weeks, with the permission of two RMPs. Women considered eligible for termination of pregnancy up to 24 weeks are survivors of sexual assault or rape or incest, minors, those whose marital status changes during the ongoing pregnancy (eg: widowhood and divorce), women with physical disabilities, mentally ill women, women with fetal malformations that have a substantial risk of being incompatible with life, and women in humanitarian settings or disaster or emergency situations.<sup>12</sup>
- Even after 24 weeks, subject to the permission of the Medical Board, pregnancy can be terminated on grounds of foetal anomalies or to save the life of the pregnant woman.
- At any point in pregnancy, RMPs can perform an abortion if they decide that it is necessary to save the life of the pregnant woman.<sup>13</sup>

Requesting an abortion after [finding out the sex of the fetus](#) is illegal in India. The law punishes those who ask for such abortions as well as doctors partaking in the identification of the sex of the fetus. The punishment for both is jail time of up to five years, along with a fine of up to Rs. 50,000.<sup>14</sup>

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<sup>11</sup> Full of Sound and Fury Signifying Nothing: A Critique of the Supreme Court's judgement on abortion law in India (X v NCT Delhi), accessed <https://www.linkedin.com/pulse/full-sound-fury-signifying-nothing-critique-supreme-courts-prasanna/?trackingId=4WEQUbEVQWmVCWP3qX8v%2BQ%3D%3D>

<sup>12</sup> Rule 3B of the MTP (Amendment) Rules 2021.

<sup>13</sup> Rule 3B of the Medical Termination of Pregnancy (MTP) Rules, 2003

<sup>14</sup> Section 23, The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

For a doctor to legally terminate a pregnancy after 24 months,<sup>15</sup> they must believe that there is:

- A risk to the life of the pregnant woman, or grave injury to her physical or mental health.
- A risk so significant that if the abortion is not carried out, the child so born would suffer from physical or mental abnormalities and be seriously handicapped.

A pregnancy is considered injurious to the woman's mental health if it is caused by<sup>16</sup>:

- In case of childbirth due to rape, the termination of pregnancy is allowed up to 24 weeks.
- In case of failure of contraceptives or preventive methods, termination of pregnancy is allowed up to 20 weeks, although this applies only to unwanted pregnancies of married women.

The doctor will consider the pregnant woman's actual and reasonably foreseeable environment while deciding whether the continuation of a pregnancy would affect her mental or physical health, Subject to the pregnancy duration limit set by the MTP Act..

## Who can perform an abortion?

Only doctors who are **Registered Medical Practitioners** can administer abortions via the pill or surgery.<sup>17</sup>

Abortions conducted by unregistered or unauthorized practitioners and clinics can be unsafe for the woman and can cause severe medical complications contributing to maternal mortality and/or morbidities. Before approaching a clinic or a doctor, it is advisable to find out if they are registered as per law.

The MTP Act is an exception to Section 88 of the Bharatiya Nyaya Sanhita, 2023, which penalizes "voluntary miscarriages" not conducted in good faith to save the life of the pregnant woman. According to the Bharatiya Nyaya Sanhita, 2023, if someone intentionally causes a woman to miscarry, not with the intention to save her life, then they can be punished with up to three years in prison, a fine, or both. If the woman is far enough along in her pregnancy that the movement of the fetus can be felt, the punishment could be up to seven years in prison and a fine. This also applies if a woman causes the miscarriage herself.

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<sup>15</sup><https://timesofindia.indiatimes.com/city/mumbai/sc-verdict-denying-mtp-bares-apathy-for-mental-health-say-ngos/articleshow/104593256.cms>.

<sup>16</sup> Section 3(2) of the Medical Termination of Pregnancy (MTP) Act, 1971

<sup>17</sup> Section 3(2), Medical Termination of Pregnancy Act, 1971.



If you have reason to believe that the doctor who conducted your abortion or the clinic where it was performed was not authorized, please visit another doctor and/or hospital. You can file a complaint to the police and report such unauthorized persons or clinics. You can find the punishments for unauthorized persons and clinics conducting abortions [here](#). Additionally, if you have reason(s) to believe that an RMP has not behaved professionally<sup>18</sup> or violated general practices, you may file a complaint with the concerned State Medical Council through their online portal- <https://www.india.gov.in/lodge-your-complaint-or-send-suggestion-medical-council-india>

Even though the police and/or courts may not punish you for approaching an unregistered practitioner or an unauthorized clinic **if you did not know that they were not authorized** at the time of the abortion, abortions that are conducted outside the scope of the MTP Act are technically illegal. Therefore, to limit your liability under the law, we recommend that you only visit an authorized doctor as soon as possible and get yourself checked. Medical complications from an unsafe abortion can be severe and further harm your health.

**REMEMBER:** It is important to complain about such persons and/or clinics to prevent unsafe abortions.

In an emergency, even an unregistered medical practitioner, in good faith, can conduct an abortion to save the life of the pregnant woman at any stage of pregnancy. The number of RMPs whose opinions are needed to perform the abortion, however, differs at each stage:

- i) 0-20 weeks: 1 RMP
- ii) 20-24 weeks: 2 RMPs
- iii) 24- 36 weeks: the medical board in a Government-Approved Facility

The PCPNDT Act specifically targets sex-selective abortions, imposing imprisonment of up to 5 years and fines of up to ₹1,00,000 on individuals, including doctors, clinics, or family members, involved in sex determination or facilitating sex-selective abortions. Under the BNSS, actions causing harm or death during illegal abortions may attract charges such as culpable homicide (Section 104) or causing grievous hurt (Section 125), with punishments ranging from several years to life imprisonment.

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<sup>18</sup> Regulation 38, National Medical Council (Registered Medical Practitioners Conduct) Regulations, 2023

## Whose consent is needed for an abortion?

A woman above the age of 18 seeking an abortion **does not require anyone else's consent or permission**. Only her consent is required. To ensure proper consent is taken, the doctor/clinic will make the woman requesting an abortion sign Form C.

Under the POCSO Act, girls under the age of 18 cannot seek safe, legal abortion without their guardian's consent, even though they might meet all other requirements.

Under the **Rights of Persons with Disabilities (RPWD) Act, 2016**, an individual with a disability has the **same rights to bodily autonomy** as others.

In cases of abortions requested for mentally ill persons, the consent of the guardian is required.

Further, in cases of 'severe disability', abortion is permissible with the consent of the guardian after seeking the opinion of a medical practitioner.

### Consent form to be signed by an abortion seeker:

#### Form C

(See rule 8)

I \_\_\_\_\_ daughter/wife of \_\_\_\_\_ aged about \_\_\_\_\_ years of \_\_\_\_ (here state the permanent address) \_\_\_\_ at present residing at \_\_\_\_\_ do here by give my consent to the termination of my pregnancy at \_\_\_\_ (State the name of place where the pregnancy is to be terminated) \_\_\_\_

Place:

Date:

Signature

(To be filled in by guardian where the woman is a mentally ill person or minor)

I \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ aged about \_\_\_\_\_ years of \_\_\_\_\_ at present residing at \_\_\_\_ (Permanent address ) \_\_\_\_ do hereby give my consent to the termination of the pregnancy of my ward \_\_\_\_\_ who is a minor/lunatic at \_\_\_\_ (place of termination of my

pregnancy)\_\_\_.

Place:

Date:

Some doctors will require another person to be there with you during and after the procedure. Having an abortion can be a traumatic experience, both physically and mentally. You will need someone to help you as the effects of anesthesia take some time to wear off and to be there for you in case you face anxiety or need any other form of support.

**REMEMBER:** Married women **do not** need the consent of their partner before terminating their pregnancy. Only the woman's consent is required. Doctors are **not required** to ask women to furnish their marriage certificates to conduct an abortion. Also, marital rape is recognized as "rape" under the MTP Act.<sup>19</sup>

### Abortion for Minors

All doctors are legally obligated to report a pregnancy of a minor in India. This obligation includes consensual adolescent relationships as well. This is because the age of consent in India is **18** years, and pregnancy below this age is considered a result of **rape**.

This is a **mandatory** requirement for **all** doctors, not just the ones conducting abortions.

This duty to report applies in cases of married minors too.

## Where can an abortion be conducted?

- **All hospitals established/maintained by the Government** or hospitals approved by the Government to perform abortions are allowed to carry out procedures to terminate pregnancies.<sup>20</sup>

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<sup>19</sup> X v. Principal Secretary, Health and Family Welfare Department, Govt of NCT of Delhi & Anr [2022] INSC 740, [2022] SCC OnLine SC 1321.

<sup>20</sup> Section 4, Medical Termination of Pregnancy Act, 1971.

- As for private facilities, **only those with a certificate** granted by a District Level Committee can perform abortions.<sup>21</sup>

SAFE ABORTION	UNSAFE ABORTION
Government-authorized hospitals and private facilities with a certificate to perform abortions	Illegal medical setups

#### How can you ensure the clinic or the doctor conducting your abortion is authorized to do so?

- You must ensure that the doctor conducting the abortion has sufficient training in gynaecology and obstetrics.
- There is no combined list of authorized centers online, but you can find out if you are at an authorized clinic by checking if the doctor is an MBBS doctor working in a gynecology and obstetrics-related setting.
- In a village or a rural area, ensure that the doctor has at least an MBBS degree and experience in gynecology and obstetrics because medical abortions can also be life-threatening.
- The MTP Act does not allow for doctors with training in alternate forms of medicine (such as AYUSH or Ayurveda, Yoga & Naturopathy, Unani, Siddha, Sowa Rigpa, and Homoeopathy) to legally perform abortions.

## What questions can the doctor ask you before conducting an abortion?

The doctor **will ask** you for the following details (probably as a form to be filled):

- Your age
- Your consent (Note: Nobody else's consent is required unless you are a minor or a person with a mental illness)
- Previous medical condition, if any - like bleeding disorder, etc.
- Any previous children
- Any previous medical or surgical abortions conducted
- Any allergies to any of the medications they will administer during an abortion
- Date of your last period to calculate the age of the pregnancy.

Things that you **don't** need for an abortion:

- Disclosure of your marital status

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<sup>21</sup> Rule 5, Medical Termination of Pregnancy Rules, 2003

- If the pregnancy is having a significant impact on your mental health, you are within your rights to seek an abortion, provided the pregnancy is within the 20-week mark.
- Anybody else's consent - If you are above the age of 18 years and of "sound mind" (meeting the capacity to consent criteria under the RPwD Act), you do not need your partner's or parent/guardian's consent to get an abortion.

In some cases, the hospital/clinic may ask you to bring someone along with you for support after the abortion is done. **This does not mean that their consent is required for the procedure.**

## Will the clinic keep your information private?

Yes, under Sections 4 and 5 of the Medical Termination of Pregnancy Regulations, 2003 the head of the hospital will keep information related to the termination of pregnancy (including the consent form) in safe custody.

An admission register will contain the serial number given to the patient for the termination of pregnancy, and the register will be kept secret as well. The clinic will keep this register for 5 years, after which it will be destroyed. The details about the pregnant woman will not be disclosed to anybody, be it family members, police, or specific authorities mentioned in law.<sup>22</sup> If someone unlawfully leaks this information, they will face legal consequences, including charges under the Bharatiya Nyaya Sanhita (BNSS) for defamation (Section 499), insulting modesty (Section 509), or breach of privacy (Section 354C), punishable by imprisonment up to 3 years and/or fines. If the disclosure occurs electronically, the Information Technology Act, 2000, imposes penalties under Section 66E (up to 3 years imprisonment or ₹2 lakh fine) or Section 72 (up to 2 years imprisonment or ₹1 lakh fine). Medical professionals breaching confidentiality may also face disciplinary action, including license suspension by the National Medical Commission (NMC)

The Court can request to see this register in medico-legal cases. Such cases include victims covered under the POCSO Act and terminations under the PCPNDT Act, among others. In such cases, only the Court will have access to copies of the register and no one else.

Even when your doctor refers you to another doctor for a treatment related to your abortion, the details of your abortion must be kept private.

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<sup>22</sup> Regulations 4 and 5, Medical Termination of Pregnancy Regulations, 2003.

## Can you get medical leave from work after an abortion?

Yes, if the woman asks for a certificate, the doctor can grant a certificate to the woman upon termination of her pregnancy to get a medical leave from work. Once a certificate is submitted to the employer, they are prohibited from disclosing these details to anybody.<sup>23</sup>

Section 65(12) of the Maternity Benefit Act, 1961(Maternity Benefit Act) also provides for a paid leave of 6 weeks starting from the date of medical termination of pregnancy.

At some workplaces, under Section 65(3) of the Maternity Benefit Act, you can take a paid leave *even beyond* the period of maternity as provided under Section 62 of the Maternity Benefit Act, or 6 weeks after abortion as provided under Section 65(1) if you have an illness arising out of the abortion procedure you underwent.

## Myths Around Medical Abortions

MYTH	FACT
Abortions cause <b>infertility</b> .	If performed correctly, <b>abortions will not make you infertile</b> . However, if you are given an abortion when you have had an ectopic pregnancy that causes you to lose one of your fallopian tubes, it will impair your fertility (it still won't make you infertile).
Abortion causes <b>PCOS or breast cancer</b> .	<b>No</b> , abortions don't cause either.
Safe abortions done by doctors <b>do not cause any damage to the uterus</b> .	If you get an abortion from an untrained doctor, there <b>could be chances of complications</b> .

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<sup>23</sup> MTP Regulations, 2003 (Clause 4-7)

## Checklists

- Ensure you visit a doctor and have an ultrasound done before getting an abortion.
- Ensure the place or the doctor you are visiting to have an abortion is registered and authorized under law.
- Ensure you read Form C carefully before signing it. As an adult woman, only your consent is needed for the procedure.
- If someone is forcing you to get an abortion, please [file an FIR](#) with the police.

## Sample Forms

### Consent form to be signed by a person requesting an abortion

#### Form C

(See rule 8)

I \_\_\_\_\_ daughter/wife of \_\_\_\_\_ aged about \_\_\_\_ years of \_\_ (here state the permanent address) \_\_ at present residing at \_\_\_\_\_ do hereby give my consent to the termination of my pregnancy at \_\_\_\_ (State the name of place where the pregnancy is to be terminated) \_\_\_\_

Place:

Date:

Signature

(To be filled in by guardian where the woman is a mentally ill person or minor)

I \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ aged about \_\_\_\_\_ years of \_\_\_\_\_ at present residing at \_\_\_\_ (Permanent address ) \_\_\_\_ do hereby give my consent to the termination of the pregnancy of my ward \_\_\_\_\_ who is minor/lunatic at \_\_\_\_ (place of termination of my pregnancy) \_\_\_\_.

Place:

Date:

**Certificate Issued to Clinic/Hospital authorized to conduct abortions**

**Form B**

(See sub-rule (6) of rule 5)

Certificate of approval.

The place described below is hereby approved for the purpose of the Medical termination of Pregnancy Act, 1971 ( 34 of 1971).

AS READ WITH IN UPTO-----WEEKS

Name of the Place

Address and other descriptions

Name of the owner

Place:

Date:

to the Government of the \_\_\_\_\_

Form available at

<https://main.mohfw.gov.in/acts-rules-and-standards-health-sector/acts/mtp-rules>