

# Safe Abortion Service Process, 2060

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In exercise of the powers conferred by number 28b. of Section on homicide of Muluki Ain (National Code). The Government of Nepal has framed the following Safe Abortion Service Process.

### Chapter – 1

#### Short Title and Commencement

1. **Short Title & Commencement** : (1) These processes may be called "Safe Abortion Service Process, 2060".  
(2) These processes shall come into force immediately.
2. **Definition** : Unless the subject or context otherwise requires in these Processes.
  - (a) "Safe Abortion" means the safe abortion that has not been considered as an intended abortion as pursuant to no. 28b. of Section on homicide of Muluki Ain (National Code).
  - (b) "Service" means Safe Abortion Service that has been provided pursuant to these process subject to the provisions mentioned in no. 28b. of Section on homicide of Muluki Ain (National Code).
  - (c) "Doctors" means the doctors who are listed pursuant to Section 3 after being registered their name in the Nepal Medical Council which has been constituted (established) pursuant to Medical Council Act, 2020.
  - (d) "Health Workers" means the health workers listed pursuant to Section 3 after being registered their name in the concerned

vocational council related to Health Services, which has been established pursuant to the prevailing laws.

- (e) "Health Institution" means the health institution listed pursuant to Section 5 after being established pursuant to prevailing law with the objective to provide the health services and the words also refers to the place where such health institution provides its services.
- (f) "Roster" means the list prepared pursuant to Schedule 2 and 5 for listing the name of doctors, health workers and health institutions.
- (g) "Close Kin" means the husband, mother, father, mother in law, father in law, adult elder brother, younger brother, elder sister, younger sister, son, daughter, son in law, daughter in law, uncle, aunty, maternal uncle, maternal aunty etc. of the pregnant woman and the word also refers to the immediate (contemporary) guardian.
- (h) "Department" means Department of Health of Government of Nepal.
- (i) "Director General" means Director General of the Department.
- (j) "Related Officer" means the Director or the Officer assigned by him or the chief of the District Health Office.
- (k) "Committee" means Safe Abortion Service Consulting Committee established (constituted) pursuant to Section 13.

## Chapter – 2

### **Listing of Doctors and Health Workers and Health Institution**

3. **Name of the Doctors and Health Workers to be enlisted** : (1)  
Each doctors and health workers who wants (desires) to provide their service shall enlist their name in the roster.

(2) The doctors or health workers who desires to on list the name in the roster shall submit an application in the format prescribed in Schedule-1, along with the enlisting fee prescribed by the department.

(3) If an application pursuant to Sub-section (2) has been received the concerned officer shall provide the enlisted certificate in the format prescribed in Schedule-3 after listing the name of such doctor or health worker in the roster maintained in the format prescribed in Schedule-2 within the Seven working days .

(4) Each doctors or health workers who has received the enlisted certificate pursuant to Sub-section (3) has been considered that he/she has received the license to provide the service for the purpose of No. 28b. of Section on Homicide of National Code (*Muluki Ain*).

(5) The enlisted certificate received by a doctor or a health worker shall be fixed in the place where he/she works, in such away that it can be seen by all.

**4. The name of a health worker to be deleted from the roster or to be suspended :**

(1) The Director General or an officer assigned by him/her shall delete the name of a doctor or a health worker who has been provided the service contrary to the provisions mentioned in No. 28b. of Section on homicide of National Code (*Muluki Ain*).

(2) The Director General or an Officer assigned by him/her may suspend the name of a doctor or a health worker who has been provided the service contrary to the provisions mentioned in these processes from the roster for a prescribed period.

(3) The Director General or an officer assigned by him/her shall provide an opportunity to a doctor or a health worker, to furnish (submit) his/her clarification prior to making a decision in relation to delete or to suspend the name of any doctor or health worker from the roster pursuant to Sub-section (1) and (2).

(4) The doctor or health worker who has not been satisfied (convinced) on the decision made by the director general or an officer assigned by him/her to delete or to suspend the name of any doctor or health worker from the roster pursuant to Sub-section (1) and (2) may submit an application before the secretary of the Ministry of health within Thirty Five days of receiving of a notice of such decision.

(5) If any doctor or health worker has not desired to provide the service he/she shall give it's notice to the concerned officer and If such notice has been received, then the concerned officer also shall remove the name of such doctor or health worker from the roster as pursuant to Schedule – 2.

(6) Only due to the removal (deletion) of the name of a doctor or health worker who had proceeded the abortion contrary to the provisions mentioned in No. 28b. of Section on homicide of National Code (*Muluki Ain*) from the roster pursuant to Sub-section (1), it shall not be considered impeding to proceed the legal action that has to be taken pursuant to the Act.

**5. Name of a Health Institution to be enlisted :** (1) If a Health institutions established pursuant to the prevailing laws, desires to provide service, it shall enlist its name in the roster.

(2) The authorized person of the health institution which has been desiring to enlist its name in the roster, shall submit an application before the concerned officer in the format prescribed in Schedule-4, along with the enlisting fee prescribed by the department.

(3) If an application has been received pursuant to Sub-section (2), the concerned officer shall provide the enlisted certificate in the format prescribed in Schedule-6, after enlisting in the roster maintained in the format prescribed in Schedule-5 within the Seven working days.

(4) The enlisted certificate provided pursuant to Sub-section (3) shall remain valid for five years.

(5) Each health Institution shall fix the received enlisted certificate in the office in such a place which can be seen by all.

(6) Notwithstanding anything contained in this Section, the department may enlist the name of a Government Hospital or Health Institution in the roster and shall provide the information of such notice of enlisting, to the concerned Government hospital or health institution.

**6. Renewal of a Health Institution :** (1) A Health Institution shall submit an application before the concerned officer for the renewal Thirty days prior to the completion of the valid period of the enlisted certificate along with the renewal fee prescribed by the department.

(2) The concerned officer shall make renewal of the enlisted certificate of such health institution within Seven working days of submission of an application pursuant to Sub-section (1).

(3) If any health institution has come to submit an application along with the renewal fee and late fee within the valid period of the enlisted certificate, mentioning the appropriate (valid) reason being unable to submit the application for renewal of the enlisted certificate within the period pursuant to Sub-section (1), the concerned officer shall make the renewal of the enlisted certificate within the Seven working days.

**7. The name of Health Institution to be deleted or to be suspended from the roster :** (1) The Director General or an officer assigned by him/her shall delete the name of a Health Institution which has been provided the service contrary to the provisions mentioned in Section on homicide of National Code (*Muluki Ain*).

(2) The Director General or an officer assigned by him/her may suspend the name of a Health Institution which has been provided the

service contrary to the provisions of these processes from the roster for one year.

(3) Prior to making a decision for deleting or suspending the name of any Health Institution pursuant to Sub-section (1) or (2) respectively, an opportunity shall be provided to the concerned health institution for submitting its clarification.

(4) The authorized person on behalf of the health institution which has not been satisfied on the decision to delete or to suspend the name of any health institution from the roster pursuant to the Sub-section (1) or (2) may submit an application before the secretary of the Ministry of Health within thirty five days of receiving of a notice of such decision and the decision made by the secretary on it shall be final.

(5) If any health institution has not desired to provide the service then the authorized person from such health institution shall give it's notice to the concerned officer and If such notice has been received then the concerned officer also shall remove the name of such health institution from the roster as pursuant to the Schedule -5.

(6) Only due to the removal (deletion) of the name of a health institution which had proceeded the abortion contrary to the provisions mentioned in No. 28b. of the Section on Homicide of National Code (*Muluki Ain*) from the roster pursuant to Sub-section (1), it shall not be considered impeding to proceed the legal action that has to be taken pursuant to the Act.

8. **Roster to be published** : The Department shall publish the updated roster of the health institutions prepared pursuant to these processes every year for the purpose of the public notice.

## Chapter – 3

### **Consultation and Technology**

9. **Doctor's advice (opinion)** : (1) The doctor shall prescribe his/her opinion in the format prescribed in Schedule – 7, while making abortion with the consent of the concerned women, in the situation that if the abortion of any pregnant woman has not been done any of the following consequences may take place as according to the medical system and on any other basis that supports the matter.

- (a) may danger in the life of concerned pregnant women,
- (b) may physically and mentally destroy (deteriorate) the health of the concerned women,
- (c) may born the children with disability.

**Clarification** : For the purpose of this clause "disability" refers to any of the following conditions :

- (a) due to the serious weakness in the fetus chances of death in the womb during the pregnancy or if even born, the children in the womb has a such problem that it may not survive,
- (b) Due to the genetic defect or any other reason, the children may have serious physical and mental disability.

(2) Notwithstanding anything contained in Sub-section (1), if the abortion of a pregnant women has done with any of the following reason, the advice of a doctor may not require :–

- (a) Up to twelve weeks pregnancy, with the consent of the concerned pregnant women,

- (b) Up to Eighteen weeks pregnancy which has caused by the rape of incest relationship (sexual intercourse), with the consent of concerned pregnant women.

**10. Consent and other documents :** (1) The pregnant women desiring to receive the service shall provide her consent for abortion to the concerned doctor or Health worker, in the format prescribed in Schedule-8.

(2) Notwithstanding anything contained in Sub-section (1), on behalf of the insane (unconscious) and minor (less than 16 years of age) women such consent may be written by the nearest kin of concerned pregnant.

(3) The doctor or health worker shall register the consent document that has been received pursuant to Sub-section (1) and (2) in the register of the health institution and also shall mention the registration number and date.

(4) The doctor or health worker shall provide the service considering the statement given by the concerned pregnant women expressing that the pregnancy has been due to the rape or incest relationship (sexual intercourse) as a credible evidence or shall send (refer) her to the appropriate doctor or health worker.

(5) The concerned doctor or health worker shall mention the age of the fetus on the record (register) after determining it on the basis of the statement expressed by a pregnant women who has desired to receive the service and also on any other technical basis which may assist in approving the statement if that exists.

**11. Technology and counseling service :** (1) Each Doctor, Health worker or Health Institution shall generally follow the following technique while providing the service:-



(a) For the pregnancy up to the twelve weeks period, Manual Vacuum Aspiration (MVA), Electronic Vacuum Aspiration (EVA), Pharmacological and Dilatation and Curates (D and C) ,

(b) For more than twelve weeks period, In addition to the techniques mentioned in clause (a),

Dilation and Evacuation (D and E) and any other technique proved appropriate with the professional aspect.

(2) While providing service or counseling on the subject, a doctor or while providing a service, a health worker shall also provide the counsel service on the subjects of probable risk of physical harm that may occur with technical point of view to the concerned pregnant woman during the abortion, It's benefits, alternatives and family health and family planning.

**12. Privacy to be maintained :** (1) The concerned doctor or health worker or health institution shall keep all types of documents and archives (records) along with the doctor's advice which has been provided to a health worker or health institution by the pregnant women pursuant to Section-9 and 10, in safe form. Such records and the details mentioned in that shall be kept confidential without providing information to others.

(2) Notwithstanding anything contained in Sub-section (1), It shall not be considered to be restricted to provide such notice and documents or the information mentioned on that, in the following circumstances :-

(a) If requested by an investigation officer or a court in the course of investigation or hearing of any cases,

- (b) To quote without making any identification of concerned women for the research or study on safe abortion service,
- (c) If the concerned woman herself has demanded the related records.

(3) In the course of providing the service, the concerned health institution shall regularly provide the updated details of the service provided by it to the department preparing in the format prescribed by Schedule – 9 and on the basis of the documents maintained pursuant to Sub-section (1).

## Chapter – 4

### **Safe Abortion Service Advisory Committee**

13. **Safe Abortion Service Advisory Committee** : (1) The safe abortion service advisory committee consisting the following chairperson and members has been constituted to provide the necessary advice to the Government of Nepal in safe abortion service:-

- (a) Director General, Department of Health – Chairperson
- (b) Representative, Ministry of Women, Children and Social Welfare – Member
- (c) Representative, Nepal Medical Council – Member
- (d) Representative, Nepal Nursing Council – Member
- (e) Representative, Nepal Health Professionals council – Member
- (f) Senior Surgeon, appointed by Government of Nepal – Member

- (g) Director, Sri Panch Indra Rajya  
Laxmi Paropakar Prasuti Grih  
(Maternity Home) – Member
  - (h) Representative, National Women  
Commission – Member
  - (i) Chairperson, Private Nursing  
Home Association – Member
  - (j) Chairperson, Gynecologist  
Association – Member
  - (k) Representative, NGO appointed  
by Government of Nepal out of  
the Non-Governmental  
Organizations working in the  
women and safe abortion service  
area – Member
  - (l) Legal officer, Ministry of Health – Member
  - (m) Director, Family Health  
Department, Department of  
Health – Member
- Secretary

(2) Committee may invite any specialist as a member in the committee meeting as per the necessity.

(3) The procedure of the meeting of the committee shall be as determined by the committee itself.

(4) The function of the secretariat of the committee shall be performed by the family health division of the department.

(5) The functions, duties and power of the committee shall be as following :-

- (a) To provide necessary advice, suggestion and recommendation to the Government of Nepal in

preparing policy, plan and program related to the safe abortion service,

- (b) To play the role of facilitator by coordinating the relationship between Non-governmental sector and private sector for the operation of safe abortion service in simple and easy way,
- (c) To perform any other function as prescribed by the Government of Nepal.

(6) The committee may constitute the required number of sub-committees also consisting the specialists, in performing it's duty. The functions, duty and power and procedure of such sub-committee shall be as determined by the committee.

## Chapter – 5

### **Miscellaneous**

14. **Service charge:** (1) The Health Institution, Doctor or Health Worker may take the service charge from the persons receiving the service for providing the safe abortion service.

(2) All the health institutions shall keep the rate of service charge that has been taken pursuant to Sub-section (1), in the place that has been seen by all.

15. **Report to be submitted** : (1) Every year the department shall submit the details in the committee preparing it on basis of the received records received from the health institutions pursuant to Sub-section (3) of Section-12.

(2) The committee shall submit a detailed report to the Ministry of Health, after preparing it by analyzing the data mentioned in the received report from the department pursuant to Sub-section (1) and also

incorporating the analysis of the major problems and strategies that has to be followed to solve the problems.

16. **Saving** : Any type of action shall not be taken and no punishment shall be made against the health worker, doctor or health institution for any service provided by them with good faith.
17. **Power to amendment the schedule** : Ministry of Health may make alteration and change in the schedule of these processes as per the need by publishing a notice in Nepal Gazette.

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## Schedule – 1

### (Related to Sub-section (2) of Section 3)

#### **Application to be submitted for listing the name of a Doctor or Health Worker**

To,

The Director General / The Chief

Department of Health / District Health Office

**Subject :– The name to be listed.**

I have submitted this application pursuant to the Sub-section (2) of Section 3 of Safe Abortion Service Processes, 2060, to include my name in the roster that has been maintained for the purpose of providing the safe abortion services, mentioning the following details.

#### **Details**

1. Name and Address of the applicant :–
2. Name of the professional council where his/her name has been registered :–
3. Registration number of the professional council and date of registration :–
4. Educational Qualification :–
  - (a)
  - (b)
  - (c)

5. Training :-

(a)

(b)

(c)

6. I shall follow the provisions and professional code of conduct that has been mentioned in section on Homicide of National code (*Muluki Ain*) and in these processes, while providing the safe abortion service.

7. I shall provide the service through the enlisted health institution pursuant to the safe Abortion Service Processes, 2060.

Applicants;-

Signature :-

Name :-

Date :-

NEPAL LAW COMMISSION

## Schedule – 2

(Related to Sub-section (3) of Section 3)

**Department of Health / ..... District Health Office Roster of**  
**Doctors or Health Workers**

S.N.	Name and Address of a Doctor or a Health Worker	Enlisted certificate No. and Date of Issuance	Educational Qualification	Trainings		Rem arks
				Type	Duration	

**Prepared by:**

Signature :-

Name :-

Designation :-

**Attested by:**

Signature :-

Name :-

Designation :-



### Schedule – 3

(Related to Sub-section (3) of Section 3)

**Department of Health / ..... District Health Office Enlisted  
certificate of a Doctors or Health Worker**

Mr./Mrs. ....

.....

**Enlisted Certificate.**

This certificate has been given by enlisting your name pursuant to Sub-section (2) of Section 3 of the Safe Abortion Service Processes, 2060, as per the application submitted by you to enlist the name in the roster of doctors or health workers for providing the safe abortion service.

1. While providing the service the service shall be provided through the Health Institution enlisted pursuant to the Safe Abortion Service Processes, 2060.
2. On providing the service the provisions and professional code of conducts mentioned in the No. 28b. of Section on homicide of National Code (*Muluki Ain*) and these processes shall be followed.

Date:-

Enlisted certificate issuing officer's;-

Signature :-

Name :-

Designation :-

## Schedule – 4

### (Related to Sub-section (2) of Section 5)

#### **Application to be submitted to enlist the name of a Health Institution**

To,

The Director General / The Chief

Department of Health / ..... Health Office.

#### **Subject :– The name of a Health Institution to be enlisted.**

I/we have submitted this application to enlist the name of this Health institution for providing the safe abortion service, pursuant to the Sub-section (2) of Section (5) of the Safe abortion Service Processes, 2060, mentioning the following details.

1. Name and Address of the Health Institution :–
2. The office where the Health Institution has been registered :–
3. Registration No. of the Health Institution and Date :–
4. Other services that has been provided by the Health Institution :–
5. Name and surname of chief official of the Health Institution :–
6. While operating the safe abortion service from the Health Institution.  
I/we shall follow the provisions mentioned in the No. 28b. of Section on Homicide of the National Code (*Muluki Ain*) and these processes.
7. The No. and Date of the letter that has been given to conduct the other services from the Health Institution :–
8. The last date of monitoring of the Health Institution from the office :–

Date :–

Seal of the Health Institution :–

Applicant's,–

Signature :–

Name :–

Designation :–

## Schedule – 5

(Related to Sub-section (3) of Section 5)

### **Department of Health / ..... District Health Office Roster of Health Institutions**

S.N.	Registration No.	Enlisted Date	Name & Address of the Health Institution	Name & Address of the Chief of Health Institution	Remarks

**Prepared by:**

Signature :-

Name :-

Designation :-

**Attested by:**

Signature :-

Name :-

Designation :-

## Schedule – 6

### (Related to Sub-section (3) of Section 5)

#### **Department of Health / ..... District Health Office Enlisted**

#### **Certificate for Health Institution**

Mr. / Mrs. ....

.....

#### **Subject : Enlisted certificate has been provided.**

This enlisted certificate has been provided as per the decision made on ..... to enlist the name of that Health Institution pursuant to Sub-section (3) of Section (5) of Safe Abortion Service Processes, 2060 while processing the application given by that institution to enlist the name for operating the safe abortion service.

1. While providing the safe abortion service by the Health Institution, the provisions mentioned in No.28b. of the section in homicide of National Code (*Muluki Ain*) and these processes shall be followed.
2. The following services shall be allowed to provide in the course of providing the safe abortion services :–
  - (a) Abortion service, up to 12 weeks
  - (b) Abortion service, up to 18 weeks
  - (c) Abortion service for any time-period

Date :–

The enlisted certificate issued by,–

Signature :–

Name :–

Designation :–

**Details of Renewal**

S.N.	Valid date from the date of Renewal	Name of the Officer making Renewal	Signature & Date
1.			
2.			
3.			
4.			
5.			

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## Schedule – 7

### (Related to Sub-section (1) of Section 9)

#### **Format of the Advice (opinion) prescribed by a Doctor**

1. Details of the women who has to make abortion :-

- (a) Name and surname :-
- (b) Age :-
- (c) Address :-
- (d) Name and surname of nearest kin :-
- (e) Relationship :-

On making the examination of the above, mentioned patient, it has been observed that the risk in the life of the pregnant woman / the health of the pregnant woman may physically or mentally damage / children with disability may born, so it has been advised pursuant to Sub-section (1) of Section (9) of Safe Abortion Service Processes, 2060 to make safe abortion.

.....

Doctor's Signature

Date :-

Doctor's Name :-

Nepal Medical council Registration No. :-

Name of present employee :-

## Schedule – 8

**(Related Sub-section (1) and (2) of Section 10)****Consent Letter (Document) that has to be given by oneself or nearest kin for Safe Abortion Service.**

After receiving the full advice and counseling on the need of safe abortion services, various techniques of abortion, the inherent risks in the abortion services, its alternatives and in the practical aspects of it including the advantages and disadvantages, (1) Myself or (2) As a nearest kin of the pregnant woman, I have given this document of consent to receive the service pursuant to Sub-section (1) or (2) of Section 10 of the safe abortion service processes, 2060, to you Doctor/Health Worker .....

Finger print of the thumb

(Thumb Impression)

(To the person who don't  
know to make signature)

Right	Left
-------	------

Person giving consent,-

Signature :-

Name and surname :-

(a) Person Receiving Service :-

(b) Nearest kin's :-

Age :-

(a) Person Receiving Service :-

(b) Nearest kin's :-

Address :-

District :-

Village/Municipality :-

Ward No. :-

Tole :-

Date :-

## Schedule – 9

(Related to Sub-section (3) and (2) of Section 12)

**Detail Document**

..... Health Institution

**Record of the provided Safe Abortion Service**

S.N.	Registration No. of Health Institution and Date	Period of Pregnancy	Reason to make Abortion (If the doctor has given the advice)	Age of the pregnant woman	Remarks
1	2	3	4	5	6

**Prepared by:**

Signature :-

Date :-

Name :-

Designation :-

**Attested by:**

Signature :-

Date :-

Name :-

Designation :-