



The Pre-Conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Acts, Rules and Regulations

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The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, Rules & Regulations



- The PCPNDT (Prohibition of Sex Selection) Act, 1994 (Act of 57 of 1994)
 - *As amended by Act 14 of 2003, w.e.f. 14.02.2003 vide SO 175 (E), dt.14.02.2003*
- The PCPNDT (Prohibition of Sex Selection) Rules, 1996
 - *As amended vide GSR 599 (E), dt. 19.06.2017, w.e.f. 19.06.2017*
- The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)(Advisory Committees) Rules, 1996
- The PCPNDT (Prohibition of Sex Selection) (Six months Training) Rules, 2014
 - *As amended vide GSR 419(E), dt. 26.06.2020, w.e.f. 26.06.2020*

Objectives of this law



- Prohibit sex selection (before or after conception)
- Regulate pre-natal diagnostic techniques for detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital mal-formations or sex linked disorders
- Prevent misuse of such techniques for the purpose of sex determination of female foeticide

Genetic Counselling Center



- According to Section 2 (c) it means:
 - Institute
 - Hospital
 - Nursing home
 - Any place which provides genetic counselling to patients



Genetic Clinic

- According to Section 2(d) it means:
- Clinic
- Institute
- Hospital
- Nursing Home
- Any place

which is used for conducting pre-natal diagnostic Procedures

Genetic Clinic includes a vehicle where ultrasound machine or imaging machine or scanner or other equipment or a portable equipment is used for detection of sex during pregnancy or selection of sex before conception

Genetic Laboratory



According to Section 2 (e) it means:

- Laboratory
- Includes a place where facilities are provided for conducting analysis or tests of samples received from Genetic Clinic for pre-natal diagnostic tests of samples received from Genetic Clinic for pre-natal diagnostic test
- In includes place where:
 - Ultrasound machine
 - Imaging machine
 - Scanner
 - Other equipment
 - Portable equipment



Pre-natal diagnostic procedure (1/2)

According to Section 2 (i) it means all gynaecological or obstetrical or medical procedures such as:

- Ultrasonography
- Foetoscopy
- Taking or removing samples of:
 - Amniotic fluid
 - Chorionic villi
 - Blood
 - Any tissue
 - Fluid

of a man or a woman before or after conception which is sent to a Genetic Laboratory or Clinic for conducting any type of analysis or pre-natal diagnostic



Pre-natal diagnostic procedure (2/2)

According to Section 2(k) it means:

- Ultrasonography
- Test or analysis of:
 - Amniotic fluid
 - Chorionic villi
 - Blood
 - Any tissue
 - Fluid

of any pregnant woman or conceptus conducted to detect:

- ✓ Genetic disorders
- ✓ Metabolic disorders
- ✓ Chromosomal abnormalities
- ✓ Congenital anomalies
- ✓ Haemoglobinopathies



Sex selection

According to Section 2 (o) Sex selection includes:

- Procedure
- Technique
- Test
- Administration
- Prescription
- Provision for the purpose of ensuring or increasing the probability that an embryo will be of a particular sex

Regulation of GCC, Laboratories & Clinics



- (1) Unless registered can conduct, associate or help in conducting activities relating to pre-natal diagnostic techniques
- (2) Can employ or take services of any person (honorary or payment) who does not possess qualifications

Point to Remember



- No medical geneticist, gynaecologist, paediatrician, doctor or any other person can conduct or cause to be conducted or aid in conducting by himself or through any other person any pre-natal diagnostic techniques
Only at a registered place



Does the allow to conduct pndt?

Yes. As per Section 4 (1) conduct of pre-natal diagnostic techniques is allowed only for the detection of:

- Chromosomal abnormalities
- Genetic metabolic diseases
- Haemoglobinopathies
- Sex-linked genetic diseases
- Inborn anomalies
- Other defects or disease specified by the Central Supervisory Board



Q. When can PNDT be conducted?

Techniques can be used or conducted only when any of the following conditions exist:

- Pregnant woman is above 35 years
- Pregnant woman has undergone 2 or more spontaneous abortions or foetal loss
- Pregnant woman has been exposed to potentially teratogenic agents such as drugs, radiation, infection or chemicals
- Pregnant woman or her spouse has a family history of mental retardation or
- Physical deformities such as spasticity or any other genetic disease
- any other condition specified by Central Supervisory Board



Points to Remember:

- It is mandatory that the person conducting ultrasonography on a pregnant woman to keep complete record in the clinic
- Any deficiency or inaccuracy found in the records will amount to contravention section 5 or section 6

Q. When can a person conduct of pndt procedures?



According to Section 5 no person will conduct the pre-natal diagnostic procedures unless:

- (a) Explained all known side and after effects of the procedures to the pregnant woman
- (b) Obtained her written consent to undergo the procedure in the language which she understands
- (c) Copy of her written consent is given to the pregnant woman



Points to remember:

Written consent will be taken as provided in **Form G**

- According to Rule 10 (1A) any person conducting ultrasonography/image scanning on a pregnant woman will give a declaration on each report that he/she has neither detected nor disclosed the foetus to any body
- The pregnant woman before undergoing ultrasonography/image scanning must declare that she does not want to know the sex of her foetus

What are the conditions for analysis or test of pndt procedures?



According to Rule 14 conditions are:

- A Genetic Laboratory can conduct analysis or test of any sample only when referred by Genetic Clinic
- Before every pre-natal diagnostic procedure through ultrasonography the foetus and placenta has to be located
- Pre-natal diagnostic procedure has to be done under direct ultrasonographic monitoring to prevent any damage to the foetus and placenta



Prohibition on places

Section 6 (a) No genetic counselling center or clinic laboratory will:

- Conduct pre-natal diagnostic technique including an ultrasonography for the purpose of determining the sex of the foetus
- According to Rule 17(1) every genetic counselling center or clinic or laboratory is required to display prominently a notice in English and in the local language or languages that conduct of sex-determination tests/disclosure of sex of the foetus is prohibited
- According to Section 19(4) the Regulation certificate has to be prominently displayed

Prohibition: On Persons (1/4)



Section 18(1) No person will:

- Open any genetic counselling center, clinic or laboratory including clinic, laboratory or center having ultrasound or imaging machine or scanner or any other technology capable of undertaking determination of sex of foetus and sex selection unless such center, clinic or laboratory is duly registered separately or jointly
- Render any services to any facility unless such facility is duly registered

Prohibition: On Persons (2/4)



- As per Section 4(4) No person including a relative or husband of the pregnant woman will seek or encourage the conduct of any pre-natal diagnostic techniques on her except for medical reasons
- As per Section 4(5) No person including a relative or husband of the pregnant woman will seek or encourage the conduct of any sex-selection technique on her or him or both
- As per Section 6(b) No person will conduct or cause to be conducted any pre-natal diagnostic technique including ultrasonography for purpose of sex determination



Prohibition: On Persons (3/4)

- As per Section 6(c) No person will allow selection of sex before or after conception
- As per Section 3A no person, including a specialist or a team of specialists in the field of infertility will conduct or aid in conducting by himself or by any other person, sex selection on a woman or a man or on both or on any tissue, embryo, conceptus, fluid or gametes derived from either or both of them
- As per Rule 3B no person shall sell any ultrasound machine or imaging machine or scanner or any other equipment capable of detecting sex of foetus to any Genetic Counselling Center, laboratory, Clinic or any other person not registered under the Act

Prohibition: On Persons (4/4)



According to Section 5(2) no person including the person conducting a pre-natal diagnostic procedures will communicate to the pregnant woman or her relatives or any other person the sex of the foetus by words, signs or in any other manner

Prohibition of advertisement (1/3)



As per section 22(1) no person, organization, genetic Counselling Center, Laboratory or Clinic including clinic, laboratory or center having ultrasound machine or imaging machine or scanner or any other technology capable of undertaking determination of sex of foetus or sex selection will:

- Issue
- Publish
- Distribute
- Communicate

Any advertisement in any form including internet regarding facilities of pre-natal determination of sex or sex selection before Conception available at such center, laboratory, clinic or at any other place



Prohibition of advertisement (2/3)

As per Section 22(2) no person, organization including Genetic Counselling Center, Laboratory or Clinic will:

- Issue
- Publish
- Distribute
- Communicate

any advertisement regarding pre-natal determination or pre-conception sex selection by any means whatsoever even if its scientific

Prohibition of advertisement (3/3)



As per Section 3B and Rule 3A no person will:

- Sell
- Distribute
- Supply
- Rent
- Allow or authorize

the use of any ultrasound machine or imaging machine or scanner or any other equipment capable of detecting sex of foetus whether on payment or otherwise to any Genetic Counselling Center, Laboratory, Clinic or any other person or body which is not registered



Offences: By Persons (1/5)

- I. If any person acts contrary to the prohibitions listed above he will be liable to be punished with:
- upto 3 years imprisonment and
 - upto Rs. 10,000 fine

Any subsequent conviction entails:

- upto 5 years imprisonment and
- upto Rs. 50,000 fine

Offences: By Persons (2/5)



II. In case of a person seeking the aid of the bodies or persons referred to above for sex selection or for conducting pre-natal diagnostic techniques on any pregnant woman for the purpose other than those specified in Section 4(2), he shall be liable to be punished with:

- Imprisonment upto 3 years and
- Fine which may extend to Rs. 50,000/-

Any subsequent conviction entails:

- Imprisonment which may extend to 5 years and
- Fine which may extend to Rs. 1,00,000/-

Offences: By Persons (3/5)



III. In case of a doctor his name will be reported by the Appropriate Authority to the State Medical Council for taking necessary action:

- Suspension of the registration if charges are framed by the court and till the case is disposed of and
- Removal of his name from the register of the council on conviction for the period of :
 - Five years for the first offence
 - Permanently for the subsequent offence

Offences: By Persons (4/5)



IV. Husband and relatives of the pregnant woman who undergoes a pre-natal diagnostic technique is presumed to have compelled the woman to undergo the pre-natal diagnostic technique

- Liable for abetment of offence under Section 23(3)
- Punishable for the offence under Section 23(3)

Offences: By Persons (5/5)



V. If any person contravenes any provision of the Act or the Rules where no penalty has been specified, he will be liable to be punished with:

- Upto 3 months imprisonment or
- Upto Rs. 1,000/- fine or
- Both (imprisonment and fine)

Any subsequent contravention will have additional fine upto Rs. 500/- for every day during which such contravention continues after conviction for the 1st contravention



Offences: By Company (1/2)

In case of offence by a company:

- Every person in charge and
- Every person responsible to the company for the conduct of the business of the company at the time the offence was committed

the company shall all be deemed to be guilty and accordingly proceeded against and punished

Offences: By Company (2/2)



If consent, connivance of or that it was attributable to any neglect on the part of:

- Director and in relation to a firm, a partner in the firm
- Manager
- Secretary
- Other officer

they shall also be deemed to be guilty and accordingly proceeded against and punished

Q. When will the Court take cognizance of offences?



Accordingly to Section 28 Court will take cognizance of offences on a complaint made by-

- (a) The Appropriate Authority or any officer under authorized in this behalf by the Central Government or State Government or
- (b) A person who has given not less than 15 days notice to the Appropriate Authority of the alleged offence and his intention to make a complaint to the court

Explanation- person includes an NGO



Which court can try these offences?

- Metropolitan Magistrate
or
- 1st class Judicial Magistrate
will try any offence punishable under this law

- According to Section 27 every offence is
 - Cognizable*
 - non-bailable and**
 - non-compoundable[‡]

* for which the police are empowered to make an arrest without a warrant or prior permission of the court



Code of conduct

- Display board
- Availability of copy of the act- waiting area/sonography room
- Display original certificate- waiting area/sonography room
- Use of authorized machine
- Filling F form completely & signature of concerned sonologist
- Authorized person performing sonography
- Submission of report in time



Save the Girl Child



Thank You