

# PRE-CONCEPTION AND PRENATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994

Presentation By

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# Background:

- **1994**- THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION & PREVENTION OF MISUSE) RULES
- **1996**- THE PRE-CONCEPTION & PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) RULES
- **2003** – AMENDMENT RULES (IN ABOVE ACT)

# Objectives Of this Law

- 1) Prohibition of sex selection (before or after conception)
- 2) Regulation of pre-natal diagnostic techniques for detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex linked disorders.
- 3) Prevention of misuse of such techniques for the purpose of sex determination which leads to female foeticide

# Pre-natal diagnostic techniques

IT INCLUDES:-

A) Pre-natal Diagnostic Procedures

AND

B) Pre-natal Diagnostic Tests

# Prenatal Diagnostic Procedures

- All gynecological 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.

# Prenatal Diagnostic Tests

- Ultrasonography
- Foetoscopy
- Tests or Analysis of
  - Amniotic fluid
  - Chorionic villi
  - Blood
  - Any tissue or fluidof any pregnant woman or conceptus conducted.

# Cont.

- Pre-natal diagnostic tests are conducted to detect
  - Genetic disorder
  - Metabolic disorder
  - Chromosomal abnormalities
  - Congenital anomalies
  - Hemoglobinopathies
  - Sex linked diseases

# SEX SELECTION

- Sex selection includes:-

- Technique
- Procedure
- Test
- Administration
- Prescription
- Provision

of anything for the purpose of ensuring or increasing the probability that an embryo will be of a particular sex



# Provision of Regestration:

Under this act there is provision of Regestration in following category only

- 1) Genetic Counselling Centre(GCC)
- 2) Genetic Laboratory (GL)
- 3) Genetic Clinic / Ultrasound Clinic / Imaging Centre

“No any centre can be run without Registration”

- The person willing to start any such centre have to apply to appropriate authority along with registration fees.

# Cont.

- ❑ Appropriate authority will grant registration certificate, if satisfied, after proper procedure within 90 days from date of submission of application.
- ❑ Validity of Reg. Certificate is 5 yrs from date of issue. Thereafter renewal of registration is must.

# Functions of Appropriate authority

- 1) To grant, suspend or cancel registration
- 2) To enforce standards prescribed for such centre
- 3) To investigate complaints of breach of the provision of this act or rules
- 4) To seek and consider advice of Advisory Committee, on application for registration and on complaints for suspension or cancellation of registration

# District Advisory Committee:-

TOTAL MEMBERS – 8

- 1) **Three medical experts** from amongst gynaecologists, obstetricians, paediatricians and medical geneticists ;
- 2) **One legal expert**
- 3) **One officer** to represent the dept. dealing with information & publicity of the State Govt or the Union territory, as the case may be
- 4) **Three eminent social workers** of whom not less than **one shall be from amongst representatives of women's organization.**

# Duties of Registered centre:-

- 1) Should not involve in fetal sex detection.
- 2) Should keep copy of bare act of PC-PNDT.
- 3) Should display board in local language also.
- 4) GCC – should fill form D

GT – should fill form E

Genetic Clinic/USG clinic/ Imaging centre- Should fill form F

Summary of these forms submitted by 5<sup>th</sup> of every month.

Keep Records for 2 years

# Does Law allow conduct of PNDT?

- **YES**

- Conduct of PNDT allowed only for the detection of:
  - Genetic disorder
  - Metabolic disorder
  - Chromosomal abnormalities
  - Congenital anomalies
  - Hemoglobinopathies
  - Sex linked diseases
  - Other defects or diseases specified by the central supervisory board

# When can PNDT be conducted?

- ❑ Pregnant woman age > 35 yrs
- ❑ Pregnant woman has undergone  $\geq$  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 h/o mental retardation/ Physical deformities such as spasticity or any other genetic diseases.
- ❑ Any other condition specified by central supervisory board.

# Duties of person conducting PNDT:-

- ❑ Person should explain all known side effects and after effects of procedure
- ❑ Written consent
- ❑ Give copy of written consent to the pregnant woman.
- ❑ Test must be done on specified indications given in act
- ❑ Person should not communicate to pregnant woman or her relatives or any other person the sex of the foetus by words, signs or in any other manner.
- ❑ Person should not allow to issue, publish, distribute, communicate any advertisement regarding pre-natal determination or pre-conception sex selection by any means even if its scientific.



# Offences & Penalties :

## Offences by persons:

First Offence- Imprisonment – 3 year

Fine – Rs. 10,000/-

Subsequent Offence – Imprisonment – 5 year

Fine – upto Rs. 50,000

# Cont.

- Person seeking aid of persons referred to such centre for sex selection or for conducting PNDT on any pregnant woman for purpose other than those specified in act shall be punished with :

First offence – Imprisonment – upto 3 yrs

- Fine – upto 50,000/-

Subsequent offence – Imprisonment – upto 5 yrs

- Fine – upto 1 lakh

# Cont.

## Offence By Doctor:

- Name should be reported to State Medical Council for taking necessary action
- Council may Suspend or Cancel registration of doctor
- Removal of name from register
  - for 5 yrs for first offence
  - Permenantly for subsequent offence

# Cont.

Husband & relatives of pregnant woman who undergoes PNDT is presumed to have compelled the woman to undergo the PNDT:

Therefore, liable for punishment for abetment of offence.



# Thank You

A collection of legal symbols including a pair of brass scales of justice, a wooden gavel, and a stack of several old, worn books. The scales are positioned in the upper middle, the gavel is to the right, and the books are at the bottom. The background is plain white.