PreConception and PreNatal Diagnostics Techniques Act & Rules
PCPNDT ACT

- Maharashtra was first State to enact Maharashtra regulation of use of PNDT Act in 1987
- Pre Natal Diagnostic Techniques Act was passed in 1994, amended in 2003 as Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act
Preamble

**Prohibition** of sex selection before or after conception

**Regulation** of pre-natal diagnostic techniques
- Detecting genetic abnormalities
- Metabolic disorders
- Chromosomal abnormalities
- Congenital malformations
- Sex linked disorders

**Prevention of misuse** - for sex determination
# Prohibitory Provisions

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Structures under the Act

- Central Supervisory Board (Section 7)
- State Supervisory Board (Section 16A)
- State Appropriate Authority / State Advisory Committee (Section 17)
- District Appropriate Authority / District Advisory Committee
Composition of Supervisory Board

- Minister of H & FW - Chairperson
- Secretary H & FW - Vice Chairperson
- Senior officer of H & FW – Member Secretary
- Representatives of WCD, Law and Judiciary
- Ex officio women members from NGOs
- Elected Representatives
- Specialists from legal and medical field
Functions of Central Supervisory Board

• Highest decision making and advisory body
• Reviews and monitors implementation of Act
• Creates awareness on the issue
• Can suggest amendments in Act
• Meets once in six months
Functions of State Supervisory Board

- Monitors implementation of Act in the state
- Reviews activities of Appropriate Authority
- Creates Public awareness
- Sends consolidated reports to Central Supervisory Board regarding activities undertaken in the State
- Meets once in four months
Who is an Appropriate Authority (AA) under PCPNDT Act

- **State Appropriate Authority (AA)** - Three members team (Officer of rank of Joint Director or above of Department of Health and Family Welfare, Eminent women from NGO, Officer of Law and Judiciary Department)
- **District AA** – Civil Surgeon
- **Corporation AA** – Medical officer of Health

AAs have to be notified in the official gazette. (S. 17)
Functions of AA

- Grant, suspend and cancel registration of clinics
- Ensure standards prescribed for clinics are followed
- Investigate complaints of breach of provision of Act
- Seek advise of advisory committee for registration of clinics or suspension or cancellation of registration and take action
- Take appropriate legal action against use of any sex selection technique by any person
- Create public awareness on issue
- Recommend to State Supervisory Board modifications required in rules of Act based on technological developments.
Duties of AA

- Search, seize or seal equipment or clinic and seize records at a genetic counselling centre, laboratory and clinic. (Section 30)
- Filing a complaint (Section 28a)
- Cancellation or suspension of Registration (Section 20).
- Report name of medical practitioner against whom charge has been framed to State Medical Council.- (Section 23-2)
Advisory committee consists of eight members:

- Medical Professionals (3)
- Social Workers (3)
- Legal Expert
- Officer of Information and Publicity Department
Functions of Advisory Committee
[Refer GSR 540 (E) dated 26-11-1996]

- Advice AA while granting, suspending or canceling licenses
- Meeting to be held as per need or on request of AA to consider applications, complaints of suspension/cancellation etc
- The intervening period between 2 meetings cannot be more than 60 days
- Gives feedback of general public and medical community on implementation of Act
- AA required to attend meetings of advisory committees and provide assistance in the discharge of its functions
Procedural Issues under the Act

- **Taking Cognizance**- Section 28- MM, JMFC
- **No role of police**- Considering technical and medical nature of the Act.
- **Conduct of Court trial**- Conducted as warrant cases other than on police report.
- **Nature of evidence**- Oral and documentary
- **Evidence focus**- Keep in mind Object and Reasons of the Act. No aggrieved person hence direct evidence may not be available. Importance of circumstantial evidence.
- Any contravention of any provision of Act liable for punishment with imprisonment and fine
THANK YOU