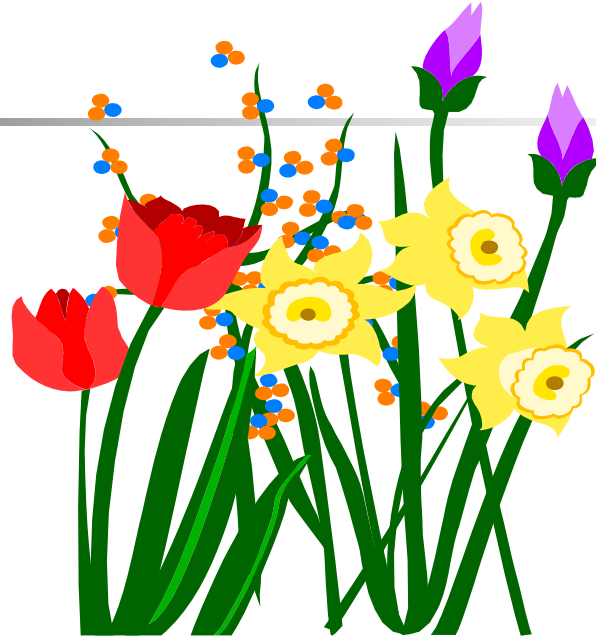


# Wel-come on PCPNDT Workshop



By

**Civil Surgeon, Nanded.**




# History

---

- Act passed in 1994
- Came into force with effect from 1st January 1996
- Act amended in 2003.
- Act was called as **“Prenatal diagnostic techniques (Regulation and Prevention of Misuse) act 1994”**.
- Now called as **“ Pre-conception and Prenatal diagnostic techniques (Prohibition of sex selection) Act, 2003”**.

# Preconception & Prenatal Diagnostic Techniques (Prohibition of sex Selection) Act

- 
- The act has been divided into 8 chapters as follow...
    - I) Preliminary
    - II) Regulation of Genetic counseling centers, Genetic Labs & Genetic Clinics
    - III) Regulation of PNDT Techniques
    - IV) Constitution of Supervisory Board
    - V) Appointment of Appropriate authority & Advisory Committee.
    - VI) Registration of GCC, GL, & GC
    - VII) Offences & Penalties
    - VIII) Miscellaneous Matters



## This Act provides for

---

- Prohibition of Preconception and Pre-natal diagnostic techniques (prohibition of sex selection) of determination of sex of foetus, leading to female foeticide. (Section 6a,b,c)
- Prohibition of advertisement of PNDT techniques for detection or determination of sex. (Section 22)
- Permission & regulation of use of PNDT techniques for purpose of detection of specific genetic abnormalities of disorders. (Section 4)

Cont..



# This Act provides for

---

- Permitting use of such techniques only under certain conditions by registered institutions.(Section4(3))
- Prohibition of sale of U.S.G.and other machines(Rule3A) and
- Punishment for violation of the provisions.(Section23)




# Regulation of PNDT Centers

---

- Ultrasound sonography machine, Imaging Machine, Scanner, IVF center, any machine capable of detecting sex of the foetus are to be registered. Mobile Vehicle, in which such machine is used, is also to be registered. (Section3)
- Persons should possess Prescribed Qualifications. (Section 4(3))
- No techniques to be conducted at any un-registered place. (Section4(1))

# Regulation of Prenatal Diagnostic Techniques



---

1. No place shall be used for Conducting PNDT Techniques, except for purposes mentioned in the act.

**2. Techniques only for certain abnormalities.**

Chromosomal abnormalities, Genetic metabolic disorders,

Haemoglobinopathies, Sex linked genetic diseases,

**Congenital anomalies.**

**3. Techniques are to be conducted only in following conditions.**

**Age > 35 Years, Undergone 2 or more abortions.**

**Exposed to teratogenic agents  
(drugs,radiation,infection/chemicals)**

**H/O Mental Retardation/physical abnormalities..**



# Registration of Centers

---

**There is a ban on opening any center unless registered.**

Application made to Appropriate Authority in prescribed form & fees, accompanied by an affidavit and an undertaking.

## **Fees structure –**

**A) Rs.3000/-** for GCC,GL,GC,USG Clinic/ Imaging Center

**B) Rs.4000/-** for Institute, Hospital, Nursing home or any place providing jointly the services of GCC,GL,GC,USG Clinic/ Imaging Center or any combination thereof.

Certificate in duplicate will be issued by Appropriate Authority after enquiry & advice of advisory committee.

# Certificate of Registration



---

Certificate is Non transferable.(Section19)

Validity of registration is 5 years from date of issue.

## **Renewal of Registration...**

- Application for renewal in duplicate (form A) should be submitted to AA 30 days before the date of expiry.
- Renewal fees shall be half of the fees for new Registration

# Restrictions on Doctors



---

## **Prohibition of Sex Selection.**

No Person shall conduct sex selection on a woman or any tissue, embryo, conceptus, Fluid or gametes

## **Sex selection**

Any procedure/ Technique/Test Administration/Prescription/Provision for increasing or ensuring the probability of a Particular sex.



# Restrictions on Doctors

---

## **Determination of sex prohibited**

No center or No person shall **conduct** PNDT Techniques for Sex Determination

No person shall **cause** selection of sex before and after conception

No person shall **communicate** SEX of fetus by Words, or by any manner

Consent-No person shall **conduct** procedures unless written consent is obtained.

# Maintenance of records (Section29)

- Person conducting USG on Pregnant woman to keep complete record (Form)- Rule-10-1A
- Declaration by doctor on each report that he has neither detected nor disclosed the sex. (Rule-10-1A)
- Declaration by pregnant women that she does not want to know the sex of fetus. ( Rule10-A)
- **Inspection by appropriate Authority- (Rule11)**  
All records shall be made available for inspection.
- **Preservation of records for two years- (Section29)**  
Case related record consent forms, lab results, microscopic pictures, Sonography plates or slides, recommendations and letter. Contd...

# Maintenance of records (Contd...)

## ➤ **Monthly Reporting :**

All PNDT Centers to send report by 5th of next month to Appropriate Authority.

Intimation of changes in employees, place or equipments within 30 days.

## ➤ **Public information**

Every Center shall display...(Rule4(2))

A notice in English and or in Local language.

Copy of act & rules shall be available on the premises of PNDT Center.(Rule17(2))

## ➤ **Certificates of registration( Section6(2))**

Certificate of registration shall be displayed at conspicuous place and Clinic room. (contd...)



# Maintenance of records (Contd...)

---

**In brief under this act there are 8 forms...**

Form A- Form of application for registration/renewal

Form B- Certificate of registration

Form C- Form for rejection of application for grant/renewal

Form D- Form for maintenance of records by GCC

Form E- Form for maintenance of records by GL

Form F- Form for maintenance of records in respect of  
pregnant women by GC/USG clinic/imaging center

Form G- Form of consent for invasive techniques

Form H- Form of maintenance of permanent record of  
application for grant/rejection of registration

# Appropriate Authorities



---

## **A) State Appropriate Authority-**

It Consists of 3 members. Additional Director of Health Services F.W.Pune is the Chairperson.

## **B) District/Corporation Appropriate Authority-**

Civil Surgeons/Health Officers of Corporation are designated as Appropriate Authority for their respective areas.

**Now District Collector is also designated as AA(GR-Dt 9 April 2007)**

## **C) Taluka or Sub-District Appropriate Authority**

Medical Superintendents of Rural Hospitals are designated as Appropriate Authority for their respective area.

**Now Sub-Divisional Magistrate, Chief Officer Municipal Council, Tahasildar/Naib Tahasildar are also designated as AA(16Oct 2007)**

# Appropriate Authorities (Contd..)



---

## **Functions of Appropriate authority (Section 17A)**

- To grant, suspend or cancel Registration
- To enforce standards prescribed & to supervise
- To investigate complaints & take action
- To seek & consider advice of advisory Committee
- To take appropriate legal action & To initiate independent Investigations
- To create Public Awareness
- To take action on recommendations of Advisory Committee.

# Powers of Appropriate Authorities.



---

## ➤ **Registration of institutions.(Section19)**

Registration certificate in duplicate is granted after enquiry and as per advice of Advisory Committee

**Seal and seize-** If center is unregistered( Rule11(2))

**Power to search and seize records** – If offence is being committed.Enter and search examine any records, Seize and seal - (Section 30)

## ➤ **Cancellation or Suspension of Registration( Section20)1,2,3)**

Appropriate Authority may suo motto or on complaint, issue a show cause notice “Why registration should not be suspended/Cancelled” If satisfied regarding breach of provisions – suspend or cancel Registration. If necessary in Public Interest – Suspend Registration without issuing Notice.



# Punishment & Contravention

## ➤ Prohibitions of Advertisement & Punishment( Section22)

### Advertisement includes

Notice, Circular, Label, Wrapper or any other including advertisement through internet or in Electronic or Print form, hoarding, Wall Painting, Signal, Light, Sound, Smoke or Gas.

Punishment imprisonment up to **3 years and Fine up to Rs.10000/-**

## ➤ Contravention of Provisions by the practitioners or owner-( Sect.23

Any Person who owns a center/clinic.laboratory or the medical practitioner who contravenes provisions shall be punishable with imprisonment up to **3 years and with fine up to Rs.10000/-** On subsequent conviction with imprisonment up to **5 years and with fine up to Rs.50000/-**

(Contd...)



# Punishment & Contravention

(Contd...)

➤ **Reporting the name to state Medical Council If Charge Framed by Court.- Section23(2)**

Name to be reported to State Medical Council. Action to be Proposed.  
Suspension till the case is disposed off. Removal of name on conviction.

➤ **Punishment for Persons seeking aid-Section23(3)**

Person seeking aid for sex selection or for sex determination on any pregnant woman shall be punishable with imprisonment up to **3 years and with fine up to Rs.50000/-**.On subsequent offence with imprisonment up to **5 years and with fine up to Rs. 1 Lakh**. Women compelled to under go such techniques – Exempted (Decoy cases)

➤ **Penalty for contravention for which no specific punishment is provided-(Section25)**

He/She shall be punishable with imprisonment up to **3 months** and or with fine up to **Rs. 1000/-**.On subsequent offence with additional fine up to **Rs.5000/- per day**.

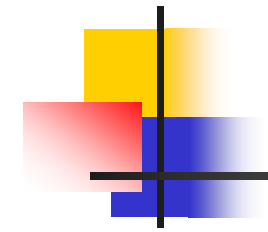
# Other Provisions Under the act



---

- **Prohibition on sale of USG Machines etc to Persons not registered under the act (Section3(3))**
- **Offence to be cognizable, Non-compoundable & Non-bailable(Sect.27)**
- **Prohibitions of Advertisement Section22(2)**
- **Not to issue, Publish, Distribute, Communicate any advertisement regarding Facilities of SexSection22(1)**
- **Determination or Sex Selection before Conception**
- **Not to advertise in any Manner-Scientific or Otherwise**
- **Appeal – Within 30 days**

# MANDATORY THINGS TO BE OBSERVED BY PC-PNDT CENTER OWNERS



- **Registration of PC-PNDT center – Section 3(3)**
- Display of registration certificate in OPD – Rule 6 (2)
- Examination by Qualified person Sonologist, registered practitioner having 6 months training in sonography, Gynaecologist having training in sonography - Rule 3
- Availability of equipment as per law – Rule 3 (2)
- Display of board (Sex Determination not done) – Rule II

Conti.....

# MANDATORY THINGS TO BE OBSERVED BY PC-PNDT CENTER OWNERS



---

- Consent of pregnant mother – Section 5 (6)
- Declaration of pregnant mother – Rule 10 (A)
- Declaration of Doctor – Rule 10-1(A)
- Record of F form – Rule 10-1(A)
- Change of Doctor / Specialist information should be given to appropriate authority – Rule 13
- Availability of PC-PNDT law book for Public awareness in OPD – Rule 17(2)
- Prohibition of Sex determination – Section 3 (A)



# REMEMBER YOU ARE VIOLATING THE LAW IF

---

- Non Registration of PC-PNDT center.
- Use of USG machine in non registered place.
- Use of USG machine other than permitted qualified person.
- Sex determination under 6(a)
- Communication of Sex of Foetus to the pregnant women or relative by words/sign or in any manner – Section 5(2)

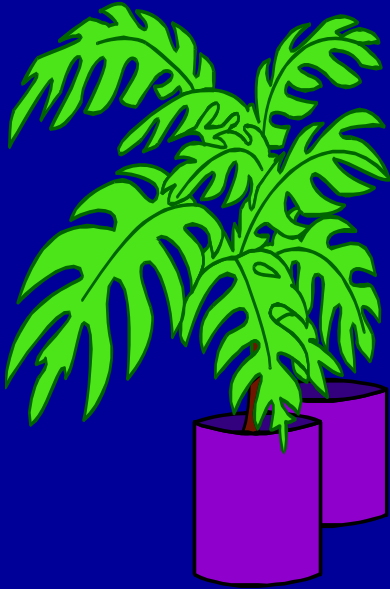
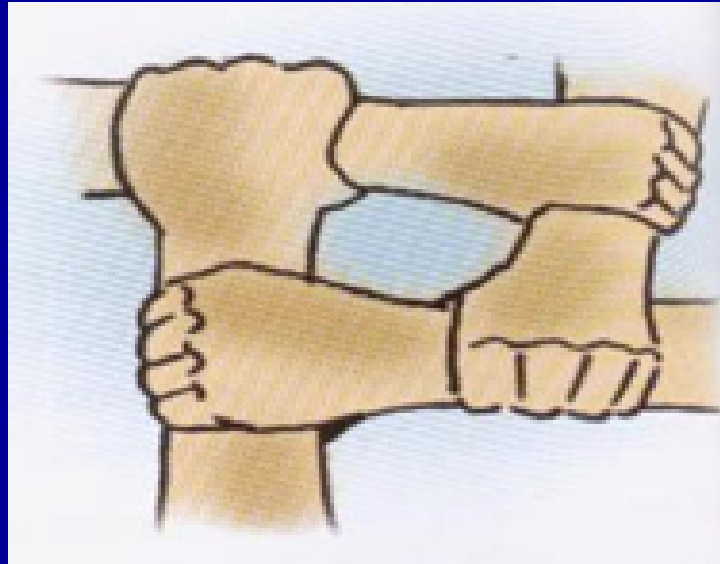
Cont.....

# REMEMBER YOU ARE VIOLATING THE LAW IF



---

- Advertisement of sex determination by any Media – Section 22
- Not keeping record as per law – Rule 9
- Not displaying the registration certificate in OPD – Section 6(2)
- Non availability of PC-PNDT law book – Rule 17 (2)
- Not displaying board for prohibition of sex determination in OPD – Rule 4 (II)
- Incomplete record – Section 4 (3)
- Non-maintenance of records for last 2 years – Section 29



**THANK YOU**