



# **PRE-CONCEPTION AND PRENATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF Sex Selection) ACT, 1994**

***Rules 1996***

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## *Objective 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

# ***Prenatal Diagnostic Test***

It includes:

- ***Ultrasonography (USG)***
- Test or ***analysis*** of:
  - Amniotic fluid
  - Chorionic villi
  - Blood
  - Any tissue
  - Fluid
- ***To detect:***
  - Genetic disorders
  - Metabolic disorders
  - Chromosomal abnormalities
  - Congenital anomalies
  - Haemoglobinopathies
  - Sex-linked diseases

## ***Sex selection***

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***

No Genetic Counselling Centre, Laboratory or Clinic;  
**unless registered** :

- (1) 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/ 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 other than at a registered place.*

## ***Does the law allow the conduct of PNDT?***

**Yes.** 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 diseases specified by the central supervisory board***



## ***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  $\geq 2$  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/ 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 USG on a pregnant woman to keep complete record in the clinic.

## ***When can a person conduct of PND procedures?***

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 procedures in the language which she understands.
- (c) Copy of her written consent is given to the pregnant woman.

## ***PROHIBITIONS : ON PERSONS***

- No person will ***open*** any genetic counselling centre, clinic or laboratory including clinic, laboratory or center having any technology capable of undertaking determination of sex of foetus and sex selection ***unless such centre, clinic or laboratory is duly registered separately or jointly.***
- No person including a relative or husband of the pregnant woman will ***seek or encourage*** the conduct of any pre-natal diagnostic techniques/ sex selection technique on her except for medical reasons.



- 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***

No person, organization including Genetic Counselling Centre, Laboratory or Clinic will :

- Issue
- Publish
- Distribute
- Communicate any advertisement regarding pre-natal determination or pre-conception sex selection by any means even if its scientific.

## ***OFFENCES : By Persons***

I. If any person ***acts contrary to the prohibitions*** listed in the act, 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.



II. In case of *a person seeking the aid of the bodies or persons* for sex selection or for conducting pre-natal diagnostic techniques on any pregnant woman for the purposes other than those specified in the act, he shall be liable to be punished with:

- Imprisonment up to **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 lakh**.

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.