



**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 ≥ 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.