

Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT), Act, India



Introduction

In the late 1970s and early 1980s diagnostic techniques were used for sex determination and termination of pregnancy with unwanted female foetus. The women's rights activists campaigned against this gender discrimination and in 1987 succeeded in getting the Prenatal Diagnostic Techniques Act passed in Maharashtra which was subsequently passed for nationwide application barring Jammu and Kashmir, in 1994. The Act was aimed at the prohibition of sex selection and regulation of pre-natal diagnostic techniques. In 2003 it was amended to improve the regulation of the technology used in sex selection before or after conception.

Prohibitions

- Seeking or encouraging of prenatal diagnostic techniques for foetal sex detection,
- Service provider communicating foetal sex to the woman / her family, and
- Advertisement of provision of pre-natal sex determination services

Regulations

For regulation of clinics the Act specifies that:

- sale of the ultrasound machines is only to registered bodies or organisations
- all diagnostic genetic laboratories, counselling centres and ultrasound clinics that are associated with prenatal diagnostic techniques are compulsorily registered with the government
- personnel who use these techniques meet the stringent qualification criteria to be approved for performing diagnostic techniques
- no personnel uses these pre-natal diagnostic techniques at a place other than a place registered under this Act.
- no personnel is associated with sex selection
- records for every scan are completed and maintained and Form F is submitted online within a day of the scan
- publicity of use of techniques for sex detection purposes is prohibited
- central supervisory board is authorised to search, seize and seal the machines and equipment of the violators of stipulations

Permissions

Use of techniques: The Act permits use of these techniques:

- for diagnosis of chromosomal abnormalities, haemoglobinopathies, genetic metabolic disorders, sex linked genetic diseases, congenital malformations and conditions identified by central supervisory board
- in women above 35 years of age or with more than 2 spontaneous abortions or foetal loss, exposed to potentially teratogenic agents, family history of genetic disorders or mental retardation or with any other condition as may be specified by the Central Supervisory Board;

Use of facilities: The use of diagnostic techniques or these services are permitted at diagnostic laboratories, genetic counselling centres, and ultrasound clinics registered under the Act with the government to conduct pre-natal diagnostic techniques

Woman's entitlements

Use of prenatal diagnostic techniques is permitted only after the woman is explained all known side effects in a language she understands and after taking her written informed consent in a prescribed form and giving her a copy of the same.

Punitive measures

In case of contravention of the regulations the punitive measures include:

- notice to the service centres who do not comply with the regulations and cancel registration only in case they fail to defend their actions in response to the show cause notice
- report about the erring doctor to the State medical council, suspend her/his registration till case is disposed off and remove her/his name from register of council for 5 years or permanently in case the charges are proven.
- imprison woman / her family for 3 to 5 years and impose a fine of Rs. 10,000 to 50,000

The PCPNDT Act does not anywhere mention prohibition of abortion