

PC & PNDT Act Implementation in Odisha.

**By
Mr. Manoranjan Pradhan,
Legal Advisor, State PC & PNDT Cell**

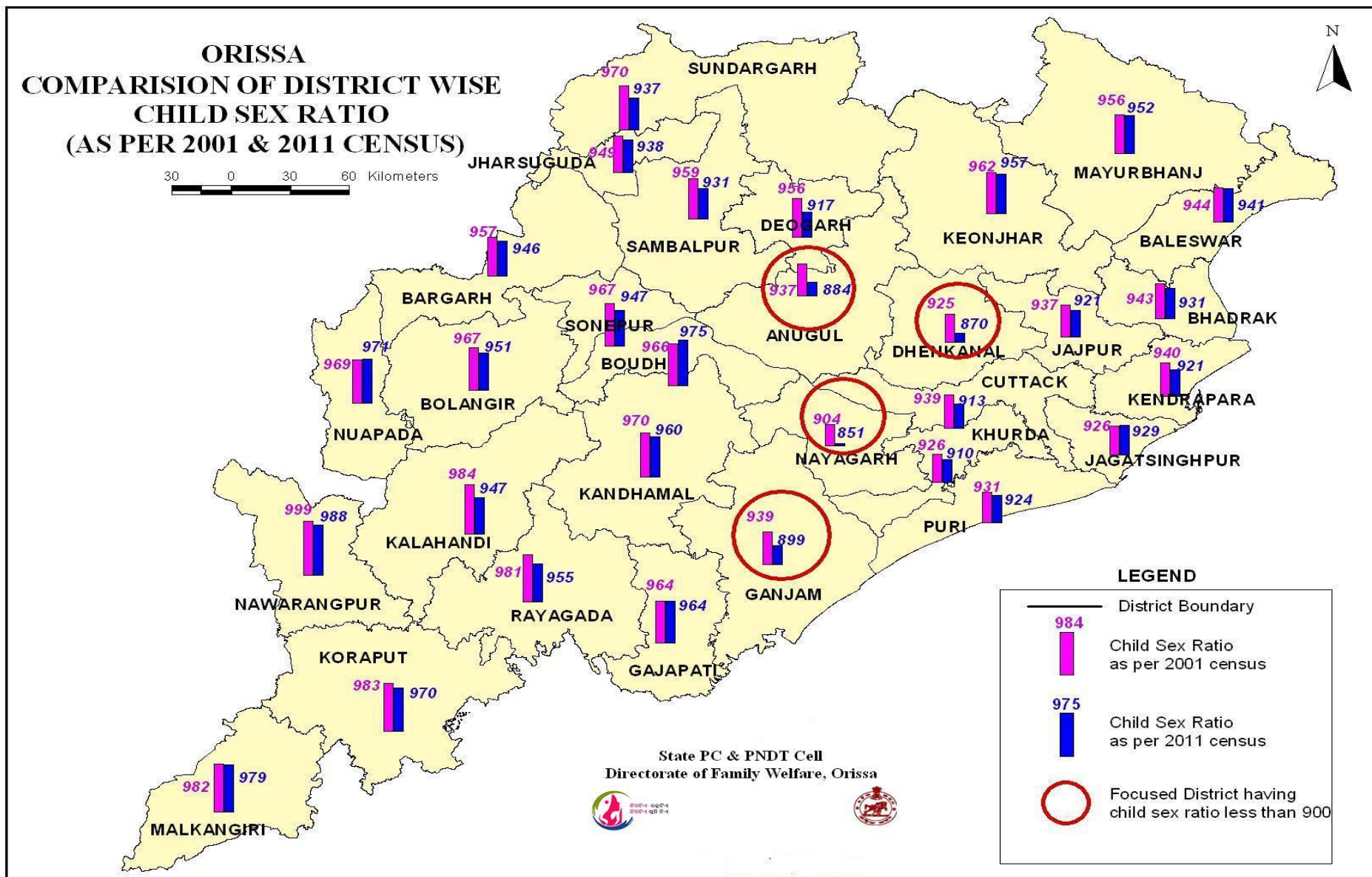
What is PC & PNDT Act ??

- The Pre Natal Diagnostic Techniques (Regulation and Prevention of misuse) Act 1994 was enacted to provide the regulation of the use of Pre Natal Diagnostic Techniques for the purpose of detecting generic and metabolic disorders or chromosomal abnormalities or certain congenital malformation of sex linked disorders and for **the prevention of the misuse of such techniques for the purpose of pre-natal sex determination** leading to female feticide and for matters connected therewith or incidental thereto.
- This was assented by the President on 20th September 1994 and came into force on 1.1.1996.
- This has been amended in 2002 and assented on 17th January 2003 and called as “Pre Conception and Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 2003” came into force on 14.2.2003.

Sex Ratio

Country/ State	Sex Ratio		Child Sex Ratio	
	India	Odisha	India	Odisha
2011	940	978	914	934
2001	934	972	927	953

Identified Districts where CSR is below 900 (Census 2011)



Registration under PC & PNDT Act

As per the Sec-18 of the Act the following centres need registration

- Genetic Counseling Centres
- Genetic Clinics
- Genetic Laboratory
- Ultrasound clinic
- Any other centre which is capable of detecting sex of the foetus.

Procedure for registration of PC PNDT Centres

- Apply in prescribed format (**Form-A**) to the concerned Appropriate Authorities along with demand draft, affidavit. (Sec-18)
- The Appropriate Authority **inspects** the place, equipments available and qualification of the appointed employees.
- Then he submits his **report** to the District Advisory Committee.
- After **approval** of District Advisory committee, Appropriate Authority issues certificate in duplicate
- The Appropriate Authority can **grant/reject** a certificate within **90 days** of receipt of the application of registration.
- The fees for registration is Rs.25000/- and for renewal is Rs.12500/-.
- The registration is **valid** for 5 years.

The Act provides:

1. **Exhibit** valid registration certificate at prominent place of the clinic as per Sec-19 (4).
2. Appoint the staffs as per the **qualifications** mentioned in the Act. Rule-3 (1) b
3. Keep the **equipments** as per the list given in the Act.
4. Exhibit a board at prominent place mentioning that **“Disclosure of the sex of the foetus is prohibited under law”**. Rule-17(1)
5. **Keep booklet** of the Act readily available in the clinic premises.
6. **Inform the changes** made in the equipments, employees or the place 30 days in advance to the concerned AA.
7. **Renewal of registration** certificate: Apply before 30 days.
8. **Form F:**
 - a) All the columns of Form F to be filled up properly
 - b) Submit Form-F in prescribed format before **5th of every month** to the concerned AA.

Prohibitions as per the Act

- The Act **does not allow**
 - sex selection,
 - sex determination, or
 - sex disclosure by any means.
- **Prohibits encouragement** for sex selection or determination by anybody including
 - husband,
 - Relative, or
 - Friend is prohibited.
- The Act does **not allow advertisement** for sex selection or sex determination through any media as TV, radio, news papers etc.

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- Sec 3 - no PCPNDT centre unless registered under the Act shall conduct or associate with or help in conducting activities relating to pre natal diagnosis techniques.
- Sec 3 **B** – prohibition on sale of US machine, no person shall sale any US machine or imaging machine or scanner or any of the equipment capable of detecting sex of the foetus to any GC, US clinic or any other person registered under the Act.

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- Manufacturer or dealer will report to both the SAA and DAA for every transaction of sale of the USG machine prior to the actual sale of the machine.
- Manufacturer/ dealer will submit their quarterly report of the sale (even it is nil) to the SAA
- The Sonographic centre owner will not sale his old US machine to the scrap dealer but to the manufacturers / dealers who is registered with SAA.
- The manufacturer will take action for breach of the affidavit that the client had submitted to them at the time of purchase of the machine after getting information from the SAA.

Bodies responsible for implementation of the Act

- Central Supervisory Board
- State Supervisory Board
- State Appropriate Authority
- State Advisory Committee
- District Appropriate Authority
- District Advisory Committee
- Sub-District Appropriate Authority

The functions and powers of the Appropriate Authorities (Sec -17)

FUNCTIONS

1. Registration of PC PNDT Centers.
2. Inspection of Centers (Search, Seizure)
3. Reports submission to the State Appropriate Authorities.
4. To create awareness.
5. To take actions on the recommendation of the State Appropriate Authorities.
6. To take legal actions to those who violates the Act.
7. To investigate the complaints.

POWERS

1. Seize the machine
2. Suspend or cancel registration.
3. Summon any person
4. Issue search warrant for any place
5. File a complaint in the court directly

Punishment & Penalties as per the Act

Sec-22 **prohibits advertisements** relating to Pre conception and Pre Determination of Sex, for violation imprisonment up to 3 years and fine up to Rs.10000/-.

Sec-23 for first offence (for doctors)

1. **Imprisonment** for 3 years and fine up to Rs.10000/-.
2. **Suspension of Registration** of a doctor till the case is disposed off from the court.
3. **If convicted** – suspension of Medical Council registration for 5 years.

for subsequent offence (For doctors)

1. **Imprisonment** for 5 years and fine up to Rs.50000/-
2. **Permanent cancellation** of Medical Council Registration

For First offence (Other Persons)

- Imprisonment for 3 years and fine up to Rs.10000/-.
- for subsequent offence imprisonment for 5 years and fine up to Rs Rs.50000/.

As per Sec-24

- for abatement imprisonment for 3 years and fine up to Rs.50,000/-
- for subsequent offence imprisonment for 5 years and fine up to Rs 1,00,000/-

- **Sec-25: penalty for contravention** of the provision of the Act and Rules for violation imprisonment for 3 months and fine up to Rs.1000/- and for continuing contravention with an additional fine which may extended up to Rs.500/- per day.
- **Sec-26 offence by Companies** : In case of any of the offences has been committed by **company** every persons who are at the time of commission of an offence was in charge and responsible to the company for the said business shall be deemed to be the guilty of offence, unless he proves that the offences committed without his/her knowledge or that he or she had exercised all due diligence to prevent the commission of such offence.

The offences as per the Act are as per Sec-27

- **Cognizable**: This means that for such an offence the police officer may arrest without warrant.
- **Non-bailable**- Offences for which getting bail is not the right of the accused. Bail may be granted or refused based on the discretion of the court.
- **Non-compoundable**:-This means that the parties to the case can not settle the case and decide not to prosecute.

Cognizance of offences (Sec-28)

1. No court shall take cognizance of an offence under this Act except on a complaint made by-
 - a) The A.A concerned or any officer authorized in this behalf by the Central Govt. or State Govt. as the case may be or the A.A. or
 - b) A person who has given notice of not less than 15 days in the manner prescribed to the A.A. of the alleged offence and of his intension to make a complaint at the court.
2. No court other than that of a Metropolitan Magistrate or a judicial Magistrate of the first class shall try any offence punishable under this Act.
3. Where a complaint has been made under clause (b) of sub station (1) ,the Court may on demand by such person ,direct the A.A. to make available copies of the relevant records in its possession to such person.

Abortion and Sex selection

- In India, 10 million female foetuses aborted in last 20 years- LANCET
- Out of 8000 aborted 7997 females foetuses in India (UNICEF).

Note: Though abortion is allowed under the MTP Act, 1971 in certain conditions, The PCPNDT Act, 1994 strictly prohibits sex determination and sex selection by any means.



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