



Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994

For Prelims: PC & PNDT Act, 1994, Pre-natal Diagnostic Techniques

For Mains: Ethical and legal issues surrounding prenatal diagnosis and sex-selective abortion, Provisions of the PC & PNDT Act, 1994, and how it aims to curb the practice of sex-selective abortion in India.

Why in News?

The Delhi High Court has remarked that certain aspects of the [PC & PNDT Act](#) **need reconsideration for effective implementation of the Act.**

- The court's direction came while dealing with a plea moved by a man seeking the quashing of an [FIR](#) registered against him under various sections of the PC & PNDT Act.

What is PC & PNDT Act?

- **About:**
 - The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994 is an Act of the Parliament of India that was enacted to **stop female foeticides and arrest the declining [sex ratio](#) in India.** The act banned **prenatal sex determination.**
- **Objectives:**
 - The main objective of enacting the act is to **ban the use of sex selection techniques before or after conception** and prevent the **misuse of prenatal diagnostic techniques for sex-selective abortion.**
- **Provisions:**
 - It regulates the use of [pre-natal diagnostic techniques](#), like **ultrasound machine** by allowing them their use only to detect - genetic abnormalities, metabolic disorders, chromosomal abnormalities, and certain congenital malformations, haemoglobinopathies and sex-linked disorders.
 - No laboratory or Centre or clinic will conduct any test including **ultrasonography for the purpose of determining the sex of the foetus.**
 - No person, including the one who is conducting the procedure as per the law, will **communicate the sex of the foetus** to the pregnant woman or her relatives by words, signs or any other method.
 - Any person who puts an **advertisement for pre-natal and pre-conception sex determination facilities** in the form of a notice, circular, label, wrapper or any document, or advertises through interior or other media in electronic or print form or engages in any visible representation made by means of hoarding, wall painting, signal, light, sound, can be **imprisoned for up to three years and fined Rs. 10,000.**
- **Offences Under the Act Include:**
 - **Conducting or aiding in prenatal diagnostic techniques in unregistered facilities** is an offence under the act.

- **Sex selection on a man or woman** is prohibited by the act.
- Performing **prenatal diagnostic techniques for any purpose other than the one specified** in the act is an offense.
- The **sale, distribution, supply, renting, etc. of any ultrasound machine** or any other equipment capable of detecting the sex of the fetus is prohibited by the act.

Initiatives Against Sex-Selective Abortions:

- **Beti Bachao Beti Padhao:**

- Launched by the Government of India in 2015, it aims to address the **issue of declining child, sex ratio and empower girls** through awareness generation, education, and protection.

- **The National Plan of Action for Children, 2016:**

- It identifies the **elimination of gender-biased sex selection** as one of the key priority areas for children's rights and well-being.

What are the Concerns Raised by the Delhi High Court?

- **The Practicality of Police Involvement in Raids and Seizures:**

- Court noted that though the PC & PNDT Rules contemplate that the **police should not be involved in raids, seizure, etc. "as far as possible"**, the practicality of this aspect needs to be reconsidered since such action **"has to be as per the CrPC for conducting raids at facilities/clinics"**.

- **Powers of Investigation and Arrest:**

- The Court observed that although the **Appropriate Authority is given the powers to investigate and conduct raids**, cancel or suspend the registration of medical centers and facilities that violate the PC & PNDT Act, **it does not have the power to arrest anyone under this Act.**
 - The offences under this Act have been made '**cognizable**', meaning the police can make an arrest.
 - However, the court raised concerns about the **effectiveness of the Appropriate Authority's role in implementing the Act** since they do not have the power of arrest.

- **Low Rate of Conviction:**

- The low conviction rate refers to the **percentage of cases in which the accused are found guilty and convicted of the crime** for which they were charged.
- In the context of the PC & PNDT Act, it means that the number of people who are actually convicted for violating the provisions of the **Act is very low.**
 - This indicates a failure of the justice system to effectively **prosecute offenders and prevent the illegal practice of sex-selective abortion.**

What are the Implications of the Delhi High Court's Remarks?

- **Clarity on Police's Powers of Investigation and Arrest:**

- The concerns raised by the court highlight the need for greater clarity on the role of the police in implementing the Act, as well as the powers of investigation and arrest vested in the Appropriate Authorities.

- **Increased Conviction Rate:**

- The low rate of conviction under the PC & PNDT Act has been a persistent challenge, and the court's remarks may help in increasing the conviction rate in cases related to sex-selective abortion.

What are the Ethical Issues Surrounding Prenatal Diagnosis and Sex-Selective Abortion?

- **Violation of Rights and Human Dignity:** Sex-selective abortion is a form of **gender discrimination** and violence against women that **violates their right to life, dignity, and equality**.
 - It also **undermines the value and dignity of human life** and the **diversity of human society**.
- **Adds to Social Problems:** It has adverse consequences for the society such as **skewed sex ratio, increased trafficking and violence against women**, reduced marriage prospects for men, etc.
 - It also raises **moral questions about the use of prenatal diagnosis** for non-medical purposes and the responsibility of parents and health care providers towards the unborn child.
- **Access to Healthcare:** Prenatal diagnosis and sex-selective abortion can exacerbate existing health disparities and inequalities, particularly for marginalized communities who may have limited access to healthcare and information.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains

Q. How do you explain the statistics that show that the sex ratio in Tribes in India is more favourable to women than the sex ratio among Scheduled Castes? **(2015)**

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