

# Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994

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## **1. Introduction**

Foeticide typically means killing an unborn child in the mother's womb. There may be many legally sound reasons why this might need to be done in certain cases but killing the foetus after determining its sex merely because it is a female is a serious issue that is termed as female foeticide.

Among many other social evils existing in the Indian society from times immemorial, female foeticide is the one which tops the list with many serious and long term effects. It is not only a national issue but with time it has gained momentum on an international level as well. The development in ultrasound and other modern technologies has led to the growth of this heinous offence. Certain legislative steps have been taken at national and international levels to curb this act. In India, first such initiative was taken in state of Maharashtra through enactment of Maharashtra Regulation of Prenatal Diagnostic Technique Act in 1987. Thereafter, in 1994 Prenatal Diagnostic Techniques (Regulation and Prevention of misuse) Act (hereinafter "PNDT Act") was enacted at national level to ensure the prohibition of female foeticide and to regulate the use of pre natal diagnostic techniques.

This article aims at describing and analyzing main provisions of the PNDT Act.

## **2. Socio Legal Background**

Any legislation is a result of social background of the geographical area that it covers. Likewise, the PNDT Act also has a social background. As discussed above, this Act had been enacted to control female foeticide and to regulate the pre natal diagnostic techniques. But what was the reason that a need was felt to enact this legislation. Why did an act like female foeticide even start and gained momentum at such a high pace that only an enactment and punishment could control it?

Basically the reason why any family in India would not want a female child or would prefer a male child over female child is multifold. First, a male child is considered to be the bread earner for the family which is why he is considered as an asset where on the other hand a female child is considered to be liability on whom the family needs to spend a lot specially at the time of her marriage. Also, the male child is considered to be the one who will carry on the family

lineage. Further, a female being considered as a very susceptible member of society might bring shame to the family in the event of any mishap in future.

The want of male child was initially fulfilled by conceiving one baby after another until a male child was born. But later, with the advancement of technology, abortion of female foetus was seen as a good resort. But it was not very long that the effects of this Act could have been clearly seen in the society. This act led to an uneven sex ratio which further resulted in many other offences like trafficking of women including female child, rape, assault etc. But at the same time, the technological advancement was needed for medical purposes. This is why a need was felt for the regulation of diagnostic techniques so that the technology could be used for the benefit of society and any unauthorized and illegal use of it could be punished. Hence PNDT Act was enacted in the year 1994. This Act was later amended in the year 2002.

### **3. Applicability & Extent of Act**

The Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act 1994 was enacted by the Parliament in its Forty-Fifth year of republic. This act extends to whole of India except the state of Jammu & Kashmir. This Act was mainly enacted to ban the use of sex selective techniques and prevent the use of pre-natal diagnostic techniques to prohibit or curb the fetal sex determination leading to sex selective abortions i.e., female foeticides etc.

### **4. Objective of Act<sup>1</sup>**

The main objects behind enactment of the Act are enumerated as under:

- **Prohibiting determination of sex leading to female foeticide, infanticide**

Sex selection is an attempt to control the sex of the offspring in order to achieve the desired sex. In many cultures, male offspring are desired and favored over female offspring in order to inherit property, carry on the family name, provides support for parents in old age etc. The other factors for determining the sex ratio is the technological growth of diagnostic techniques, which allows the parents to know the sex of the foetus and for a male dominated society, the low fertility rate has also increased the need for sex selection by reducing the probability of

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<sup>1</sup> <http://childlineindia.org.in/Pre-natal-Diagnostic-Techniques-Act-1994.htm>

having a female child in smaller families. The said reasons have led to killing of female fetus at an alarming rate resulting in humungous decline in the female sex ratio. Thus to prohibit evils like female foeticide & infanticide the need was arisen to prohibit sex determination at any stage except for certain genetic abnormalities.

- **Regulating Pre- natal diagnostic techniques**

The technological growth in any sphere has both good and bad repercussion and accordingly legislation is required to regulate the use of such techniques to prevent its misuse. The Act thus aimed to regulate the pre-natal diagnostic techniques more particularly dealt in Chapter III of the Act whereby only registered centers and laboratories are allowed to conduct these techniques only after fulfilling the conditions and under circumstances & abnormalities provided therein. Further even while conducting the diagnostic techniques in certain conditions as provided under the Act, no person is allowed to disclose the sex of the fetus to either the parents or relatives.

- **Appointment of Regulatory Body to keep a check**

The Act also aims at constituting a Regulatory Body to keep a check on conduct of the registered Genetic Counseling Centres, Laboratories and Clinics, regulation of the pre-natal diagnostic techniques and to have a proper implementation of the Act. Chapter IV of the Act provides for constitution of a Central, State & Union Territory Supervisory Board to exercise the powers and perform the functions conferred on the Board under this Act such as advising the Central Govt. on policy matters relating to the use of diagnostic techniques, sex selection techniques and against their misuse, reviewing the activities of the Authorities, monitoring the implementation of the Act, creating public awareness against the practice of sex determination etc. Chapter V of the Act states about Appropriate Authorities to be appointed by the Central Government for each of the Union Territories and by the State Government for whole or part of the State to perform functions like enforcing standards prescribed for Genetic Counseling Centre, Laboratory and Clinic, granting, suspending or cancelling its registration, investigating complaints of breach, taking legal actions against the use of sex selection techniques, supervise the implementation of the provisions of the Act and take action on recommendations of the Advisory Committee as constituted under this Act.

- **Punishing the offenders**

Laws are written with practical consideration of society and not built on idealistic approach. This Act thus not only provides provisions for prevention or prohibition of evils like

infanticide, illegal abortions, female foeticides etc. but also enshrines deterrent penal provisions to punish the offenders who contravene the provisions of this Act.

## 5. Definitions

Section 2 of the Act defines various important terms which have been used throughout the Act and derive the same meaning throughout the reading of the Act. Some of these important terms as defined under the Act are as follows:

i) Pre-natal diagnostics procedures

It means all gynecological, obstetrical or medical procedures such as ultrasonography foetoscopy, taking or removing samples of amniotic fluid, chorionic villi, blood or any tissue of a pregnant woman for being sent to a Genetic Laboratory or Genetic Clinic for conducting pre-natal diagnostic test.

ii) Pre-natal diagnostic test

It means ultrasonography or any test or analysis of amniotic fluid, chronic villi, blood or any tissue of pregnant woman conducted to detect genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases.

iii) Genetic Counselling Centre

It includes any institute, hospital, nursing home or any place which provides for genetic counseling to patients.

iv) Genetic Clinic

It includes all or any institute, hospital, nursing home or any place which is used for conducting pre-natal diagnostic procedures.

v) Genetic Laboratory

It includes a laboratory or any place where facilities are provided for conducting analysis or tests of samples received for pre-natal diagnostic test from the Genetic Clinics.

## 6. Legality of abortion

Generally speaking no law in India legalizes abortion. The Act that deals with abortion in India is Medical Termination of Pregnancy Act, 1971 (MTP), as amended in 2002. The PNDT Act as amended in 2002 comes into play when sex is to be determined before the abortion. Under MTP abortion can be done only by a registered medical practitioner in certain qualified situations<sup>2</sup> illustrated below:

- If pregnancy does not exceed 12 weeks and the registered medical practitioner himself is of opinion or is pregnancy exceeds 12 weeks but not 20 weeks, at least two registered medical practitioners are of opinion that
  - a) there is a risk to life or of grave injury to physical and mental health of a pregnant woman; or
  - b) that there exists a substantial risk that, if the child were born, it would suffer from some physical or mental abnormalities so as to be seriously handicapped
- If the pregnancy is caused by rape; or
- There has been a failure of any contraceptive device or method used by the married couple for the purpose of limiting the number of children; or
- If there is a risk to the health of the pregnant woman by reason of her actual or reasonably foreseeable environment.

There is a contradiction between MTP Act and PNDT Act that even though MTP Act provides for abortion in case when there is a risk of mental or physical deformity in child when it is born, but PNDT Act with effect of Ss. 3, 4 and 5 would not permit for determination of sex in case the sex and family history of fetus indicate the risk of any sex linked disease.

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<sup>2</sup> The Medical Termination of Pregnancy Act, 1971 (Section 3).

## 7. Basic Requirements under the Act

- **Registration:**

One of the most important requirements is to get registered the Genetic Counseling Centre, Genetic Laboratory and Genetic Clinic as per the provisions of this Act. The registration under the act has also been made compulsory for the medical practitioners, specialists who conduct or aid in conducting the pre-natal diagnostic techniques.

- **Written consent of pregnant women**

No diagnostic techniques shall be conducted unless the pregnant woman has been explained of every known aspect and after effects of such procedures in a vernacular language and she has consented to it in writing, a copy of which shall also be given to her.

- **Maintenance of records**

The Act requires the maintenance and preservation of all forms, reports, consent and other related documents for a period of two years or any such period as prescribed provided the records must be preserved till the final disposal of the case if any criminal proceedings have been initiated against such Clinic, Laboratory or Centre. Further, it is the responsibility of the Clinic, Laboratory or Centre to make available such records at all reasonable times to the Appropriate Authority for inspection.

- **Creating awareness among general public through advertisements, hoardings etc.**

The most common way to create awareness among the public about the prohibition of misuse of diagnostic techniques, for determination of sex of foetus either pre-conception or post-conception etc. is through advertisements by way of hoardings, postures etc. This Act emphasizes on the same to prevent and control such inhuman acts.

## 8. Genetic Counselling Centres, Genetic Laboratories & Genetic Clinics

- **Regulation<sup>3</sup>**

The Genetic Counseling Centre, Laboratory and Clinic are the places where the pre-natal diagnostic techniques are conducted. Thus to prohibit and prevent any inhuman act, the use of such techniques and conduct of the person associated must be regulated. From the commencement of this Act, no such Centre, Clinic or Laboratory shall conduct any activities

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<sup>3</sup> Section 18 of PNDT Act.

related to pre-natal diagnostic techniques unless registered and no medical practitioner, gynecologist etc. shall either conduct or cause to be conducted or aid in conducting such techniques at a place other than the registered place. Further, no person is allowed to conduct, cause to be conducted or aid in conducting any sex selection on a man or woman or on any tissue, embryo, fluid etc. derived from either or both of them. In addition to these, no person is also allowed to sell the ultrasound or imaging machines used for determining sex to any center other than one registered under this Act.

- **Registration<sup>4</sup>**

After the commencement of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act 2002, no person is allowed to either open any Genetic Counseling Centre, Laboratories and Clinics having ultrasound or imaging machine or scanner having the capability of undertaking determination of sex of foetus or sex selection or render services to any of them unless registered under the Act. However, every such centers, clinics or laboratories conducting the diagnostic techniques before the commencement of this Act shall apply for registration within six months from the date of commencement.

For registration, every application shall be made in prescribed form and manner as provided under the Act and must be accompanied with requisite fees. After compliance of all the requirements, the Appropriate Authority may grant the certificate in the prescribed form, which is required to be displayed in a conspicuous place at the place of business of such Genetic Counseling Centre, Laboratory and Clinic and the certificate shall also be renewed from time to time. Further, the registration may be denied if the Appropriate Authority is not satisfied that the Centre is in a position to maintain equipment, standards and provide such facilities.

- **Cancellation or Suspension<sup>5</sup>**

Upon breach of any of the provisions of the Act, the Appropriate Authority either *suo moto* i.e. on its own or on a complaint may issue notice to the Genetic Counseling Centre, Laboratory and Clinic and after giving a reasonable opportunity of being heard is satisfied of any breach, may either suspend or cancel its registration. Such suspension or cancellation shall be without prejudice to the criminal action to be taken against them for such breach.

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<sup>4</sup> Section 19 of PNDT Act.

<sup>5</sup> Section 20 of PNDT Act.

- **Appeal<sup>6</sup>**

An appeal by the Genetic Counseling Centre, Genetic Laboratory & Genetic Clinic against which the Appropriate Authority has passed the order lies within 30 days from the date of such order to the Central Government, if the appeal is against Central Appropriate Authority or to the State Government if the appeal is against the order of State Appropriate Authority.

## **9. Regulation of Pre-Natal diagnostic techniques<sup>7</sup>**

In a male dominated or patriarchal society, a girl or women have been subjugated in every strata of societal existence. The unfortunate decline in the female sex ratio has brought in stringent measures which lead to enactment of such acts. The PNDT act is legislated in a manner to be deterrent for those indulging in sex determination. The primary object of the legislation was to put a check and prohibit the pre-natal diagnostic techniques for determination of the sex of fetus leading to female foeticide. Chapter III of the Act discusses about the regulation of pre-natal diagnostic techniques and clearly states that except for the abnormalities like Chromosomal, genetic metabolic diseases, sex linked genetic diseases, congenital anomalies or any other abnormalities as specified by the Central Supervisory Board, no place including the registered Genetic Counselling Centers, laboratories and clinics shall be used for conducting pre-natal diagnostic techniques. The chapter further provides that even for conducting such techniques in the exceptional circumstances as mentioned, following conditions must be fulfilled-

- The pregnant women must be above thirty-five years of age;
- She must have undergone two or more spontaneous abortions or foetal loss;
- She had been exposed to teratogenic agents like drugs, chemicals, radiation etc. that can disturb the development of embryo or foetus;
- She has a family history of mental retardation, physical deformities, other genetic diseases or any other condition as may be specified by the Supervisory Board.

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<sup>6</sup> Section 21 of PNDT Act.

<sup>7</sup> Sections 4-6 of PNDT Act.

It would not be wrong to say that the sex determination, sex selection is being done not by the pregnant women herself but by the family members or relatives. Thus, in order to prohibit such practices, strict provisions have been brought by this Act, which clearly bans the relatives, husband of the pregnant women to encourage the conduct of such techniques. Further, before conducting such techniques, the person qualified must obtain the written consent of the pregnant women as prescribed under the act after describing her the procedures in her familiar language and no such person conducting the technique is allowed to communicate the sex of the foetus either by words, signs or any other manner. Thus, it is evident that to curb such evil practices, the Act has been designed and neither any person nor the registered Laboratories, Clinic etc. are permitted to conduct such techniques including ultrasonography for determination sex of a foetus.

#### **10. Offences & Penalties<sup>8</sup>**

Any medical practitioners, geneticist, gynecologist or any person owning Genetic Laboratory, Clinic or Counseling Centre who contravene, disobey or breach the provisions of this Act are punishable both with imprisonment for a term extending to three years and fine up to ten thousand rupees. Further on any subsequent conviction, the imprisonment may extend to five years and fine up to fifty thousand rupees.

Where any offence has been committed by a Company, every person who was in-charge of and responsible to the Company at the time of the offence shall be deemed to be guilty and is liable to be punished, provided he proves that the offence was committed without his knowledge or he had exercised all the due diligence to prevent the commission of such offence.

Presumption: Unless the contrary is proved, it shall be presumed by the Court of jurisdiction that the pregnant woman was compelled by her husband or any relative to undergo the pre-natal diagnostic procedure for the purpose of determination of sex of fetus or sex selection.

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<sup>8</sup> Chapter VII (Sections 22-28) of PNDT Act.

## 11. Amendments

The PNDT Act was amended in 2002 and was renamed as Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act), 2002 (No.14 OF 2003).

This amendment was aimed at improving the regulation on technology used in sex selection under the Act. The changes made in the Act through the amendment are as follows:

- Pre conception sex selection technique was included within the ambit of the Act<sup>9</sup>. The line “for the prohibition of sex selection, before or after conception” was added in the objective of the Act.
- Certain definitions like “conceptus”, “embryo” and “foetus” were added in the definition clause and some other definitions were also altered to include pre conception sex selection technique with its ambit<sup>10</sup>.
- Ultrasound was brought within the regulations of the Act and sale of ultrasound machines was regulated<sup>11</sup>.
- Central Supervisory Board was empowered and the State Supervisory Boards were constituted.<sup>12</sup>
- Changes were made in the constitution and Powers of Appropriate Authority and Advisory Committee.<sup>13</sup>
- Offences and penalties under the Act were made more stringent.<sup>14</sup>
- Appropriate authorities were empowered with the power of civil court for search, seizure and sealing the machines and equipment of the violators.

## 12. Case Laws

To ensure the proper implementation of the Act, individuals and organisations have approached the courts in various cases and the Hon’ble Courts have been pleased to pronounce judgments that have formed important part on PNDT legislations in India. Some of the important cases and judgments are as follows:

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<sup>9</sup> Section 6(c) of PCPNDT Act.

<sup>10</sup> Section 2 of PCPNDT Act.

<sup>11</sup> Sections 3A and 3B of PCPNDT Act.

<sup>12</sup> Sections 7(c) and 16A of PCPNDT Act.

<sup>13</sup> Sections 17 and 17A of PCPNDT Act.

<sup>14</sup> Sections. 22 and 23 of PCPNDT Act.

**Centre For Enquiry into Health & Allied Themes (CEHAT) and Others v. Union of India  
And Others**<sup>15</sup>

**Facts-** This case was filed by way of writ under Article 32 of the Indian Constitution by Centre for Enquiry into Health and Allied Themes (CEHAT), a research organisation, Mahila Sarvangin Utkarsh Mandal (MASUM), an NGO and Dr. Sabu M. George, a civil society member for seeking the implementation of the PNDT Act. This judgment is considered as the landmark judgment. Supreme Court made various important orders for the implementation of the said Act. Court expressed its anguish on the failure of the non-implementation of the Act on the part of Central and State governments.

**Judgment**

The Central Government and Central Supervisory Board were directed by Supreme Court to create public awareness against the practice of prenatal determination of sex and female foeticide through appropriate releases and programmes in the electronic media. Strict orders were given for putting the efforts by the governments for the implementation of these laws. Advisory committees were constituted as per the law and directions were made related to their meetings so that implementation can be assured. Central Supervisory Board was given power to direct all the states and UTs for the implementation and for the same reports were to be prepared by the concerned states by giving all the required information. CSB was given power to see the necessity to amend this law and to make recommendation for such purpose to Central Government. Many directions were given to appropriate authorities and State Governments for the wide publicity of this Act and creating of awareness among public at large regarding the laws and punishments in the case of violation.

**Dr. Pradeep Ohri v. State of Punjab and Anr.**<sup>16</sup>

**Facts-** The petitioner was running Satyam Diagnostic Centre inside Ohri Nursing Home. In the inspection of the said ultrasound centre by the District Medical Authorities it was found that the petitioner had violated Section 5(a)(b)(c) of the PNDT Act, 1994 and Rules 9(1)(4) and 10 of the Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules,

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<sup>15</sup> AIR 2001 SC 2007.

<sup>16</sup> AIR 2008 P H 108.

1996 (hereinafter referred to as 'the Rules'). On a complaint under the aforesaid provisions, he was prosecuted and convicted under Section 23(1) for the offence committed under Section 5(a) (b)(c) of the PNDT Act, 1994 and Rules 9(1)(4) and 10. Due to such conviction petitioner's name was removed from the State Medical Register by the Medical Council. The petition was filed in Punjab and Haryana High Court against the conviction and removal of his name.

**Judgment-** It was contended that his name was removed for a period of 5 years for an offence committed on 09/07/2002 when as per Section 23 of the old PNDT Act 1994. His name could be removed only for 2 years. It was also submitted that only after the amendment of PNDT Act which came into effect from 14/02/2003, the period of 2 years for the first offence had been enhanced to 5 years. The High Court of Punjab and Haryana accepted the argument made by the petitioner and reduced the period to 2 years from 5 years.

**Mr. Vijay Sharma and others v. Union of India (UOI)**<sup>17</sup>

**Facts-** In this case a writ was filed under article 226 challenging the constitutional validity of PCPNDT Act on the ground that it violates the right of equality of law provided in Article 14 of the Constitution of India. Petitioners were a married couple having two female children and they wanted a male child. They were claiming that, by choosing the sex, they could enjoy the love of both, son and daughter and their daughters can enjoy the company of their own brother while growing up. It was contended that the couples who were already having children of one sex should be allowed to make use of the pre-natal diagnostic techniques at pre-conception stage to have the child of opposite sex. It was further argued that under the provisions of the Medical Termination of Pregnancy Act, 1972 (MTP Act), termination of pregnancy is allowed under certain circumstances. PCPNDT Act imposed a blanket ban on determination of sex at preconception stage. It was also contended that if unwanted pregnancy is recognized as ground for termination of the pregnancy under MTP Act, why under PCPNDT Act a mother who conceives a female or male child for the second or third time is not considered and it was alleged that there was discrimination between two women of similar position and hence the Act violates Article 14 of the Constitution.

**Judgment-** Bombay High Court rejected the contentions made and dismissed the petition directing the states to prevent the misuse of the diagnostic techniques. Court rejected the

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<sup>17</sup> AIR 2008 Bom 29.

contentions related to constitutional validity by clearing its approach that MTP Act and PCPNDT Acts are completely different. There can be no comparison between two females, one who does not want to bear a child and the one who does not want to bear a child of particular sex hence there was no violation of article 14.

**Vinod Soni and Anr. v. Union of India (UOI)**<sup>18</sup>

**Facts-**In the High Court of Bombay criminal writ petition was filed on the ground that PCPNDT Act is violative of Art 21 of Indian Constitution. Petitioners were a married couple and they put forth their plea that right to life is protected as fundamental right under Art 21 of the constitution. It also includes their right to select the gender of the child to decide the nature of the family.

**Judgment-** The petition was dismissed by the High Court. It was held that there was no prima facie violation of Art 21. Court held that Art 21 provides the right of life, food, environment culture etc. but it cannot be extended to the right of selection of child pre or post conception. A child conceived also has the right under to be fully developed under Art 21 irrespective of the sex and gender of the child. Imaginary expansion of right to life can not include such kind of right under Art 21.

**13. Analysis**<sup>19</sup>

Even though the Act has been enacted and amended to achieve the goal of prohibiting pre determination of sex of foetus and to regulate the pre natal diagnostic techniques but there are certain gaps have been left in the Act and that benefit the violators of the Act. Some of such deficiencies in the Act are as follows:

- The Act is silent upon registration and declaration of “ultrasound clinics” and “Imaging centres” introduced by the 2002. They are also not required to maintain records under the provisions of the Act which is very advantages for those willing to violate the Act.
- There is no provision in the Act regarding the qualification and certificate of medical professionals in registered units and who shall provide them.
- The Act does not cover a situation where advice of Advisory Committee and Appropriate Authority clashes.

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<sup>18</sup> 2005 (3) MhLJ 1131.

<sup>19</sup> [http://shodhganga.inflibnet.ac.in/bitstream/10603/97307/11/12\\_\\_chapter.%205.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/97307/11/12__chapter.%205.pdf)

- As there is no participation of police, the Appropriate Authority involved in inspection, search and seizure is not willing to perform its task as there may be potential risk to life and property in case the unit involved has a political backing.
- The penal provisions under the Act do not have desired deterrent effect as there is no provision for permanent cancellation of licence of medical practitioners even in the worst possible cases.
- Radiologists and sonologists are not represented in the CSB.
- An inconsistency can be marked in the provisions of Sections 27 and 28 of the Act where the Act is not clear if the police can be involved or not as when Section 27 states that the offence is cognizable and non-bailable it means that the FIR can be made however, Section 28 does not concur on this interpretation.
- The accountability and responsibility of District and State Appropriate Authority have not been clearly laid down under the Act.
- The Act does not lay down any provision for registration of portable/mobile pre natal diagnostic equipment and tools. This is a largely unchecked tool which contributes in spreading the menace.
- The Act states that the doctor shall not indicate the sex of foetus to the parents in any way but there is no sound way to implement this provision or to check the violation.
- There is no clear distribution of powers between the Authorities under the Act.
- One of the major lacunae in the provisions of the Act is that there is no penalty on Authorities if they do not act properly to ensure the implementation of the Act.
- The cases arising out of violation of the Act need to be decided within a stipulated time because causing delay defeats the very purpose of the Act.
- Since all the cases under PC and PNDT are made upon primary and secondary evidences, therefore there is a need that records at genetic clinics, laboratories and centres shall be regularly monitored and audited.

#### **14. Conclusion**

Hence, PNDT Act and PCPNDT Act aim at prohibition of determination of sex of fetus so as to control sex selective abortions and to remove the evil of female foeticide from the Indian society and to regulate the pre natal diagnostic techniques so that they can be used for the benefit of society and not to hamper it. But it is still alarming that even after around 25 years

of enactment of this Act there is no visible change in the society and the child sex ratio in some states like Punjab still remains at as low as 846. There are many reasons for the failure of these enactments and they need to be attended and the problems in the implementation of the Act need to be catered before it gets too late and the purpose of the Acts fail.

