

ALL INDIA JUDICIARY



Pre-Conception and Pre-Natal Diagnostic Techniques *15 min - Basics*

Act, 1994

[PCPNDT]



By Anoop Upadhyay Sir



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PCPNDT Act, 1994



THE PRE-CONCEPTION AND
PRE-NATAL DIAGNOSTIC
TECHNIQUES
(PROHIBITION OF SEX
SELECTION) ACT, 1994

[गर्भधारण पूर्व और प्रसवपूर्व निदान
तकनीक (लिंग चयन प्रतिषेध)
अधिनियम, 1994

ACT NO. 57 OF 1994

[20th September, 1994.]

अधिनियम सं. = (57)

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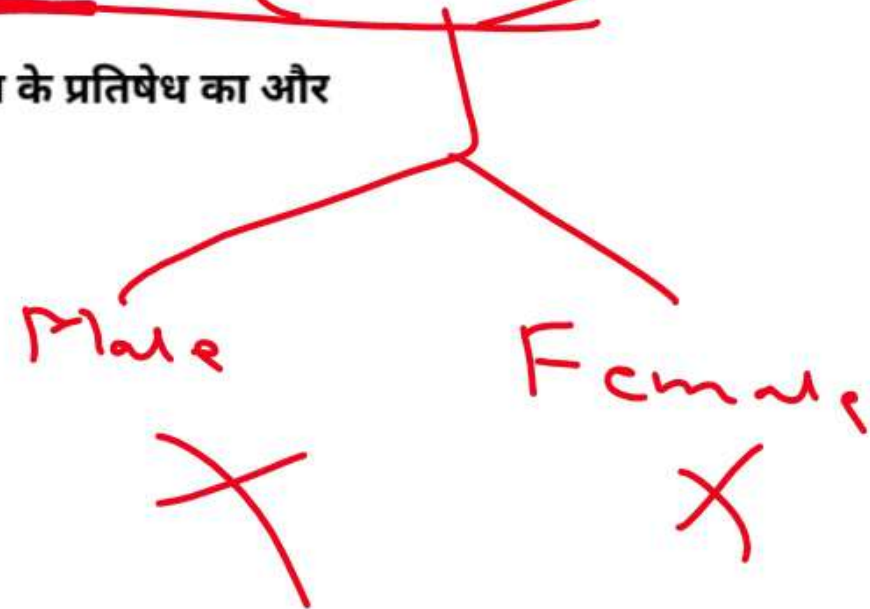
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PCPNDT Act, 1994

Object of Act - *इच्छा*

⇒ An Act to provide for the prohibition of sex selection, before or after conception, and गर्भधारण से पूर्व या उसके पश्चात् लिंग चयन के प्रतिषेध का और



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PNDT

2

for regulation of pre-natal diagnostic techniques for the purposes of

प्रसवपूर्व निदान तकनीकों के विनियमन के निम्न प्रयोजनों के लिए

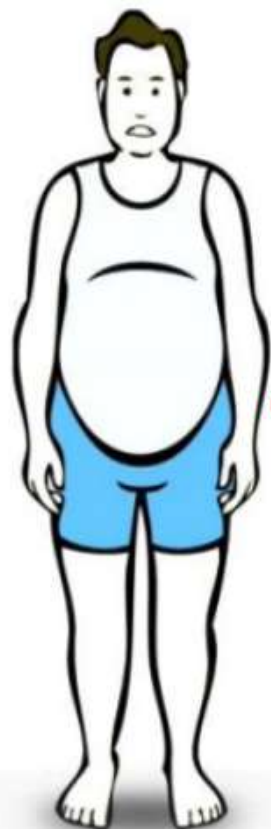


detecting genetic abnormalities or

आनुवंशिकी अप्रसामान्यताओं

metabolic disorders or
मेटाबोली विकारों

THE METABOLIC SYNDROME



HEART DISEASE



LIPID PROBLEMS



HYPERTENSION



TYPE 2 DIABETES



DEMENTIA



CANCER



POLYCYSTIC OVARIAN SYNDROME



NON-ALCOHOLIC FATTY LIVER DISEASE

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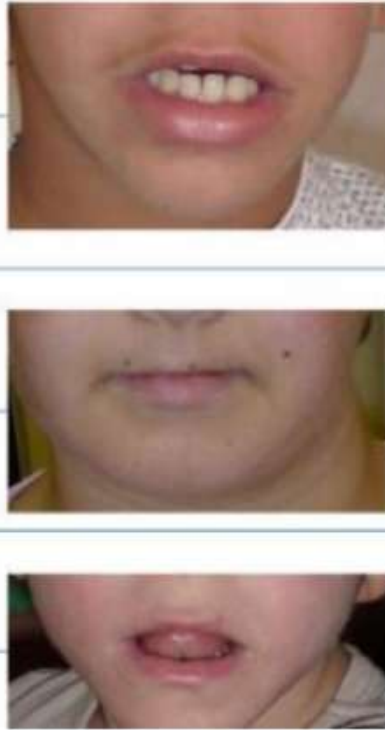
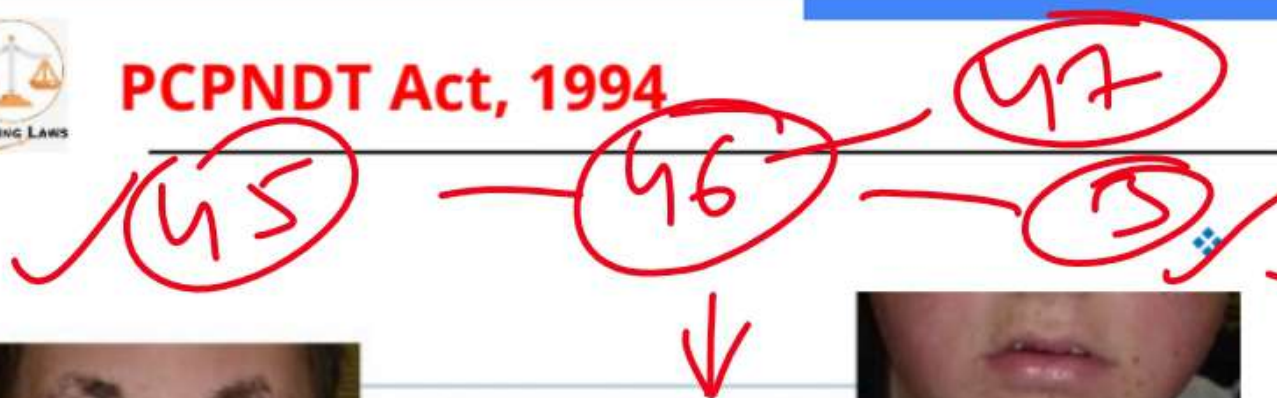
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PCPNDT Act, 1994



chromosomal abnormalities or
गुणसूत्री अप्रसामान्यताओं

क्रोमोजोमल एबनॉर्मलिटीज: जब शरीर में क्रोमोजोम की संख्या तय संख्या से कम या ज्यादा हो जाए।

इनमें डाउन सिंड्रोम - जब 21वां क्रोमोजोम अतिरिक्त जुड़ जाए यानी 46 की जगह 47 हो जाए,

टर्नर सिंड्रोम - जब एक एक्स क्रोमोजोम कम हो जाए यानी सेल में कुल क्रोमोजोम 45 ही रहे

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Chromosomal



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Before

After

5

❖ certain congenital malformations or
कतिपय जन्मजात विकृतियों

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PCPNDT Act, 1994



sex-linked disorders and
लिंग-सहलग्न विकारों



for the prevention of their misuse for sex determination leading to
female feticide and

लिंग अवधारण के लिए ऐसी तकनीकों के, जिनके कारण स्त्री-लिंगी भ्रूणवध हो सकता हो,
दुरुपयोग के निवारण का तथा



for matters connected therewith or incidental thereto.

उनसे सम्बन्धित या उनके आनुषंगिक विषयों का उपबन्ध करने के लिए अधिनियम ।

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~~X~~ Exceptions for PCPNDT when doctors will communicate?

- ✓ Chromosomal abnormality in child
- ✓ Genetic abnormality,
- ✓ hemoglobin disorders
- ✓ Sex linked disorders,
- ✓ Congenital anomalies
- ✓ Where Abortion is planned

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What is Female Foeticide?

कन्या भ्रूण हत्या क्या है?

Female Foeticide is the process of finding out the sex of the foetus and undergoing abortion if it is a girl.

कन्या भ्रूण हत्या भ्रूण के लिंग का पता लगाने और लड़की होने पर गर्भपात कराने की प्रक्रिया है।

Reasons for Foeticide:

भ्रूण हत्या के कारण:

- Illiteracy/ निरक्षरता
- Orthodox beliefs / रूढ़िवादी मान्यताएँ
- Poverty / गरीबी

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Female Infanticide is the deliberate killing of newborn female children.

कन्या भ्रूण हत्या नवजात बच्चियों की जानबूझ कर की गई हत्या है।

कारण / Reason

Poverty/ गरीबी

The dowry system/ दहेज प्रणाली

~~Births to unmarried women/~~

~~अविवाहित महिलाओं को जन्म~~

Deformed infants/ विकृत शिशु

Maternal illnesses such as

postpartum depression/ मातृ

बीमारियाँ जैसे कि प्रसवोत्तर अवसाद

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PCPNDT Act, 1994

~~X~~ The Act mandates **compulsory registration** of all-
अधिनियम सभी का अनिवार्य पंजीकरण अनिवार्य करता है-

- ❖ diagnostic laboratories (नैदानिक प्रयोगशालाओं)
- ❖ all genetic counseling centers (सभी आनुवंशिक परामर्श केंद्रों)
- ❖ genetic laboratories (आनुवंशिक प्रयोगशालाओं)
- ❖ genetic clinics (आनुवंशिक क्लीनिकों)
- ❖ ultrasound clinics (अल्ट्रासाउंड क्लीनिकों)

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V.V. Jha.

1, 2, 3
Ch-

CH. No.	Chapter Name	Chapter Range
1.	<u>PRELIMINARY</u> / प्रारंभिक	1 - 2
2.	<u>REGULATION OF GENETIC COUNSELLING CENTRES, GENETIC LABORATORIES AND GENETIC CLINICS</u> आनुवंशिकी सलाह केन्द्रों, आनुवंशिकी प्रयोगशालाओं और आनुवंशिकी क्लिनिकों का विनियमन <u>PNDT</u>	3 - 3B
3.	<u>REGULATION OF PRE-NATAL DIAGNOSTIC TECHNIQUES</u> / प्रसवपूर्व निदान तकनीकों का विनियमन	4 - 6
4.	<u>CENTRAL SUPERVISORY BOARD</u> / केन्द्रीय पर्यवेक्षण बोर्ड	7 - 16A

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5.	APPROPRIATE AUTHORITY AND ADVISORY COMMITTEE / समुचित प्राधिकारी और सलाहकार समिति	17 - 17A
Ch- 6.	<u>REGISTRATION OF GENETIC COUNSELLING CENTRES, GENETIC LABORATORIES AND GENETIC CLINICS</u> आनुवंशिकी की सलाह केन्द्रों, आनुवंशिकी प्रयोगशालाओं और आनुवंशिकी क्लिनिकों का रजिस्ट्रीकरण	18 - 21
V.V.V.V.V.V.V.V. 7.	<u>OFFENCES AND PENALTIES</u> / अपराध और शास्तियां	22 - 28
8.	<u>MISCELLANEOUS</u> / प्रकीर्ण	29 - 34

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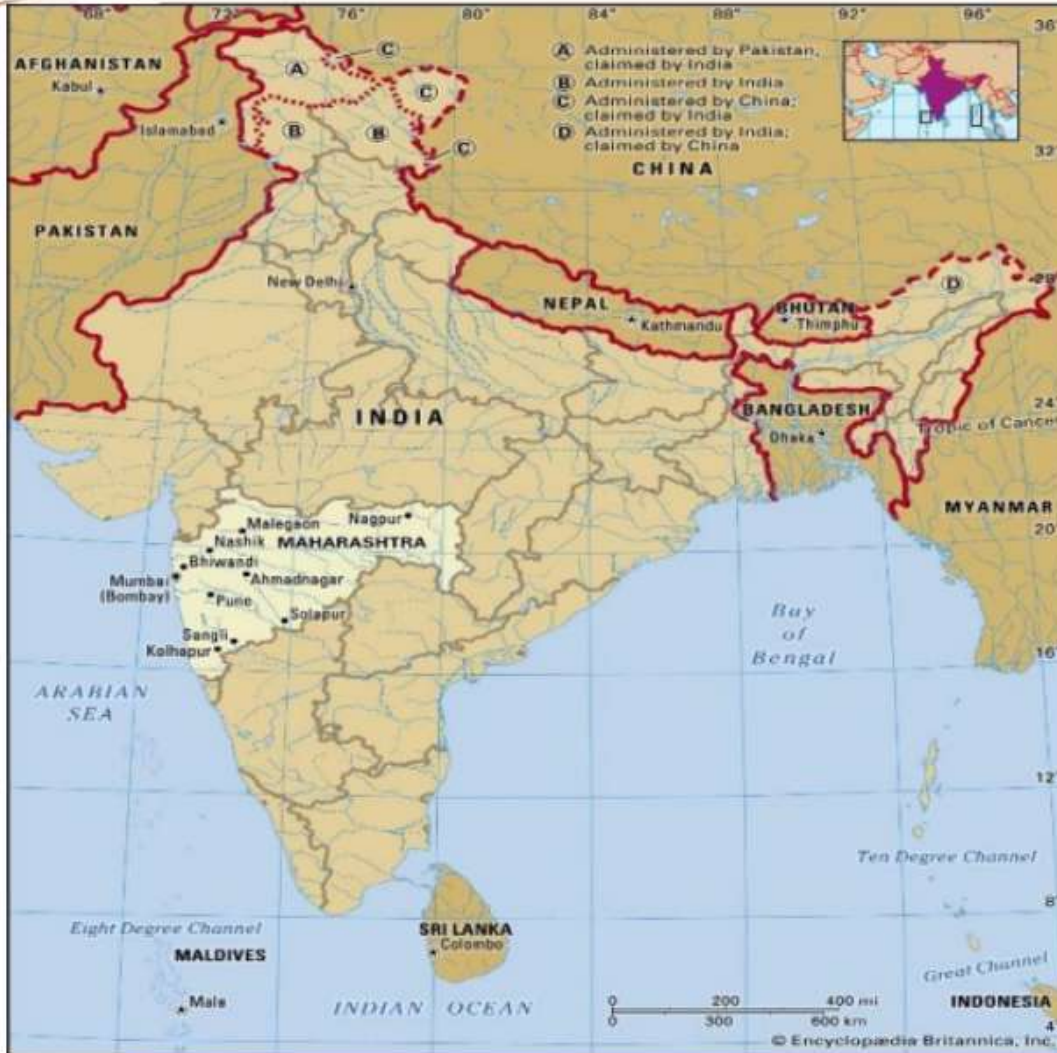
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PCPNDT Act, 1994



In 1988, the **State of Maharashtra** became the first in the country to **ban** pre-natal sex determination through enacting the Maharashtra Regulation of Pre-natal Diagnostic Techniques Act.

1988 में, महाराष्ट्र राज्य प्रसव पूर्व निदान तकनीक अधिनियम के महाराष्ट्र विनियमन को लागू करके प्रसव पूर्व लिंग निर्धारण पर प्रतिबंध लगाने वाला देश का पहला राज्य बन गया।

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PCPNDT Act, 1994

1988



• PNDT Act was passed in 1994
PNDT एक्ट 1994 में पारित हुआ था

2000
2003

PCPNDT Act is enacted on 20th September, 1994.
PCPNDT अधिनियम 20 सितंबर, 1994 को अधिनियमित किया गया है।

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*1

For prohibition of Sex Selection

To improve sex ratio of India

To prevent Intrauterine Death of Girl child

2
3

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PCPNDT Act, 1994

Includes-

- Genetic diagnosis,
- XY separation
- ART techniques,
- IU insemination

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PCPNDT Act, 1994

PNDT Act amended in 2003

Amendment of PCPNDT Act 2003

Convert

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT), was amended in 2003 to The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition Of Sex Selection) Act (PCPNDT Act) to improve the regulation of the technology used in sex selection.

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Implications of the amendment are:

प्रधान



Amendment of the act mainly covered bringing the technique of preconception sex selection within the ambit of the act.

पूर्वधारणा लिंग चयन की तकनीक को अधिनियम के दायरे में लाने के लिए अधिनियम में संशोधन मुख्य रूप से शामिल है।



Bringing ultrasound within its ambit.
अल्ट्रासाउंड को इसके दायरे में लाना।

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PCPNDT Act, 1994

What's the issue?

मुद्दा क्या है?

The main purpose of the Act is to ban the **use of sex selection** and misuse of pre-natal diagnostic technique for sex selective abortions and to regulate such techniques.

अधिनियम का मुख्य उद्देश्य लिंग चयन के उपयोग पर प्रतिबंध लगाना और लिंग चयनात्मक गर्भपात के लिए प्रसव पूर्व निदान तकनीक के दुरुपयोग और ऐसी तकनीकों को विनियमित करना है।

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However, there are only 586 convictions out of 4202 cases registered even after many years of existence.

हालाँकि, बहुत साल के अस्तित्व के बाद भी दर्ज 4202 मामलों में से केवल 586 दोष सिद्ध हैं।

It reflects the challenges being faced in implementing this social legislation.

यह इस सामाजिक कानून को लागू करने में आने वाली चुनौतियों को दर्शाता है।

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What is sex selection? लिंग चयन क्या है?

Sex selection is the practice of determining the sex of the unborn foetus and eliminating it if found to be female.

लिंग चयन अजन्मे भ्रूण के लिंग का निर्धारण करने और महिला होने पर उसे समाप्त करने की प्रथा है।

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How is sex selection done?

लिंग चयन कैसे किया जाता है?

In recent years, the use of **ultrasound technology** has become the most common mode of sex determination followed by elimination of the female.

हाल के वर्षों में, अल्ट्रासाउंड तकनीक का उपयोग महिला के उन्मूलन के बाद लिंग निर्धारण का सबसे आम तरीका बन गया है।

Easy access to ultrasound since the early 1980s has contributed to increased sex selection and the rapid decline in the child sex ratio.

1980 के दशक की शुरुआत से अल्ट्रासाउंड तक आसान पहुंच ने लिंग चयन में वृद्धि और बाल लिंग अनुपात में तेजी से गिरावट में योगदान दिया है।

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Q-

Abortion is legal or not?
गर्भपात कानूनी है या नहीं?

→ illegal

In India, abortion is legal under certain circumstances as defined by the Medical Termination of Pregnancy Act, 1971.

भारत में गर्भपात कुछ निश्चित परिस्थितियों में कानूनी है, जैसा कि गर्भ का चिकित्सीय समापन अधिनियम, 1971 द्वारा परिभाषित किया गया है।

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Example -

- ✓ danger to the mother's life (मां के जीवन के लिए खतरा)
- ✓ foetal abnormality (भ्रूण की असामान्यता)
- ✓ rape (बलात्कार)
- ✓ contraceptive failure. (गर्भनिरोधक विफलता।)

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PCPNDT Act, 1994

Provisions of PCPNDT

- ✓ No Choice for sex selection
- ✓ It can not be communicated through any sign or in written methods to anyone.
यदि किसी को किसी भी संकेत या लिखित तरीकों से संप्रेषित नहीं किया जा सकता है
- ✓ Registration is compulsory
पंजीकरण अनिवार्य है
- ✓ USG machine should be registered
यूएसजी मशीन पंजीकृत होनी चाहिए
- ✓ USG is not allowed for doctors other than Allopathy
एलोपैथी के अलावा अन्य डॉक्टरों के लिए USG की अनुमति नहीं है

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Hording display - In "Mother tongue" is Compulsory



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नरेन्द्र मोदी
प्रधानमंत्री

लिंग का चयन ना करें, कन्या शिशु को बचाएं।

गर्भधारण पूर्व एवं प्रसव पूर्व निदान तकनीक (लिंग चयन प्रतिषेध), अधिनियम, 1994
के अन्तर्गत गर्भधारण पूर्व लिंग चयन और प्रसव पूर्व लिंग परीक्षण एक दंडनीय अपराध है।

स्वास्थ्य एवं परिवार कल्याण मंत्रालय
भारत सरकार



गर्भधारण पूर्व एवं प्रसव पूर्व निदान तकनीक (लिंग चयन प्रतिषेध), अधिनियम, 1994
के अंतर्गत प्रत्येक अपराध संज्ञेय, गैर-जमानती है और आपसी समझौते के लिए मान्य नहीं है।

अधिनियम की मुख्य विशेषताएं

- गर्भधारण से पहले और बाद में लिंग का चयन प्रतिबन्धित करता है।
- भ्रूण के लिंग परीक्षण के लिए गर्भधारण पूर्व एवं प्रसव पूर्व निदान तकनीकों के दुरुपयोग तथा भ्रूण के लिंग के चयन एवं निर्धारण संबंधी विज्ञापनों को जिसमें इंटरनेट माध्यम भी सम्मिलित है, को प्रतिबन्धित करता है।
- भ्रूण का लिंग निर्धारण करने में सक्षम संस्थाओं का पंजीकरण अनिवार्य करता है।
- सभी संस्थाओं के लिए फॉर्म 'एफ' सहित सभी रिकॉर्डों का रखरखाव एवं संरक्षण अनिवार्य करता है।
- जिन महिलाओं को गर्भस्थ शिशु के लिंग चयन हेतु बाध्य किया गया हो, उन्हें इस अधिनियम में सजा अथवा जुर्माने से सुरक्षा प्रदान की गई है।

अधिनियम के तहत कारावास तथा वित्तीय जुर्माने का प्रावधान

- चिकित्सक/क्लीनिक के मालिकों के लिए पहले अपराध के लिए 3 साल तक की सजा के साथ 10,000/- रुपये तक का जुर्माना तथा तात्पर्यता अपराध के लिए 5 साल तक के लिए चिकित्सक का मेडिकल पंजीकरण रद्द करना।
- लिंग चयन कराने के लिए उकसाने पर, पति/परिवार के सदस्य अथवा अन्य व्यक्ति को 3 साल तक की सजा एवं 50,000/- रुपये तक का जुर्माना।
- लिंग चयन संबंधी किसी प्रकार का विज्ञापन देने पर 3 साल तक की सजा एवं 10,000/- रुपये तक का जुर्माना।



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गर्भावस्था में लिंग जांच करवाना

अपराध है



ऐसा करने और कराने वाले,
दोनों को कानून कड़ी सजा देता है

- बार-बार गर्भ गिराने से मां के स्वास्थ्य को खतरा होता है।
- इससे शून्य हत्या जैसे जघन्य अपराध को बढ़ावा मिलता है



बेटा-बेटी एक समान समझ लो तुम ये बात
गर्भावस्था में लिंग जांच का न करो अपराध

बेटियां आएंगी-खुशियां लाएंगी

प्रोत्साहन राशि दार्ड लाख से बढ़ाकर अब हुई **3,00,000**



गर्भवती महिला : दो किस्तों में कुल डेढ़ लाख रुपए की राशि
मुखबिर : दो किस्तों में 50-50 हजार रुपए की राशि
सहयोगी : दो किस्तों में 25-25 हजार रुपए की राशि

अधिक जानकारी के लिए नजदीकी आशा, एएनएम और स्वास्थ्य केंद्र से सम्पर्क करें या 104 पर कॉल करें।

चिकित्सा एवं स्वास्थ्य विभाग (आईईसी), जोधपुर

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PCPNDT Act, 1994

CHAPTER I PRELIMINARY / प्रारंभिक (1, 2)

20th Sept. See 1.

1994

23/11/19

1. Short title, extent and commencement. (संक्षिप्त नाम, विस्तार और प्रारंभ.) —

(1) This Act may be called the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

इस अधिनियम का संक्षिप्त नाम गर्भधारण पूर्व और प्रसवपूर्व निदान तकनीक (लिंग चयन प्रतिषेध) अधिनियम, 1994 है।

(2) It shall extend to the whole of India. इसका विस्तार सम्पूर्ण भारत पर है।

(3) It shall come into force on (प्रवृत्त) : 1st January 1996

23/11/19

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2. Definitions. (परिभाषाएं.) —

(a) → **“Appropriate Authority”** means the Appropriate Authority appointed under section 17
“समूचित प्राधिकारी” से धारा 17 के अधीन नियुक्त समूचित प्राधिकारी अभिप्रेत है ।

(b) → **“Board”** means the **Central Supervisory Board** constituted under section 7
“बोर्ड” से धारा 7 के अधीन गठित केन्द्रीय पर्यवेक्षण बोर्ड अभिप्रेत है;

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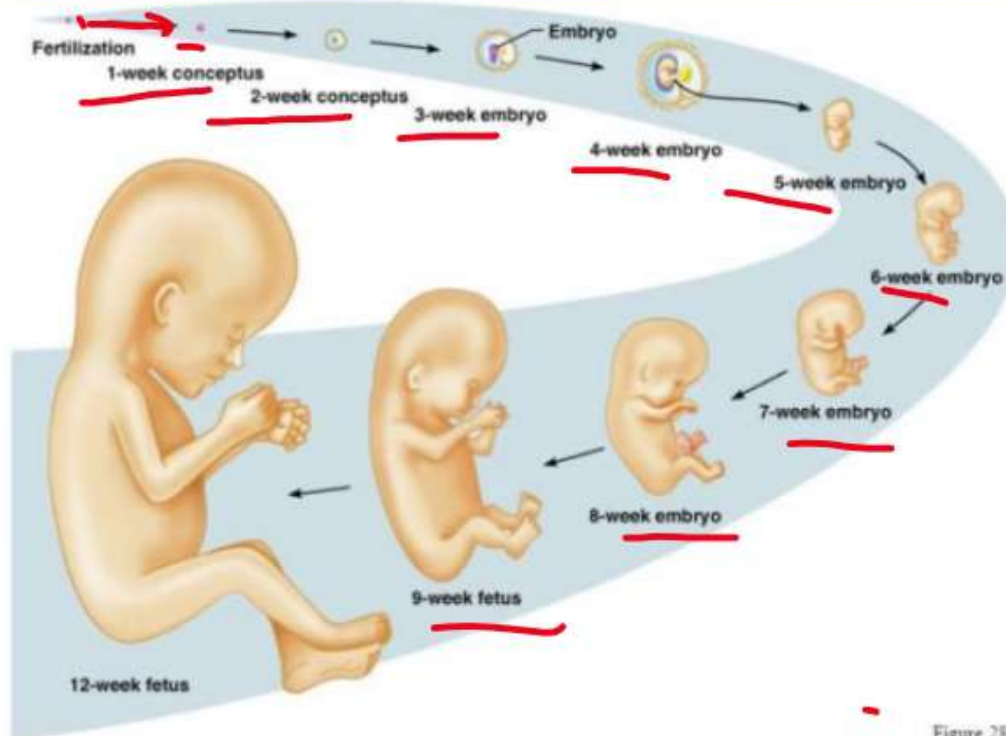


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Relative Size of Human Conceptus



(ba) "conceptus" means any product of conception at any stage of development from fertilisation until birth including extra embryonic membranes as well as the embryo or foetus;

"गर्भ उत्पाद" से गर्भाधान से जन्म होने तक विकास, के किसी भी प्रक्रम पर गर्भधारण का कोई उत्पाद अभिप्रेत है, जिसमें अतिरिक्त भ्रूण - झिल्ली तथा भ्रूण या गर्भ सम्मिलित है;

Figure 28.1

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PCPNDT Act, 1994



imp.

(bb) **"embryo"** means a developing human organism after fertilisation till the end of eight weeks (56 days);

"भ्रूण" से गर्भाधान के पश्चात् आठ सप्ताह (56 दिन) के अन्त तक कोई विकासोन्मुख मानव जीव अभिप्रेत है;

(56) - 57 - - - -

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PCPNDT Act, 1994



(bc) "**foetus**" means a human organism during the period of its development beginning on the 57th day following fertilisation or creation (excluding any time in which its development has been suspended) and ending at the birth:

"गर्भ" से गर्भाधान या सृजन से अनुगामी सत्तावनवें दिन से प्रारम्भ होकर (जिसमें कोई ऐसा समय अपवर्जित करके जिसमें उसका विकास निलंबित रहा हो) और जन्म पर समाप्त होने वाली इसकी विकास की अवधि के दौरान कोई मानव जीव अभिप्रेत है;

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PCPNDT Act, 1994



(c) **“Genetic Counselling Centre”** means an institute, hospital, nursing home or any place, by whatever name called, which provides for genetic counselling to patients;

“आनुवंशिकी सलाह केन्द्र” से रोगियों को आनुवंशिकी सलाह देने के लिए कोई संस्था, अस्पताल, परिचर्यागृह या कोई स्थान, चाहे वह किसी भी नाम से ज्ञात हो, अभिप्रेत है;

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(d)

"Genetic Clinic" means a clinic, institute, hospital, nursing home or any place, by whatever name called, which is **used for conducting pre-natal diagnostic procedures.**

"आनुवंशिकी क्लिनिक" से अभिप्रेत है, कोई क्लिनिक, संस्था, अस्पताल, परिचर्यागृह या कोई स्थान, चाहे वह किसी भी नाम से ज्ञात हो, जिसका प्रसवपूर्व निदान प्रक्रियाएं करने के लिए उपयोग किया जाता है।

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Explanation. — For the purposes of this clause, **“Genetic Clinic”** includes a **vehicle**, where **ultrasound machine** or **imaging machine** or **scanner** or **other equipment capable of determining sex of the foetus** or a portable equipment which has the potential for detection of sex during pregnancy or selection of sex before conception, is used

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(e) **“Genetic Laboratory”** means a laboratory and includes a place where facilities are provided for conducting analysis or tests of samples received from Genetic Clinic for pre-natal diagnostic test.

"आनुवंशिकी प्रयोगशाला " से कोई प्रयोगशाला अभिप्रेत है और इसके अन्तर्गत कोई ऐसा स्थान भी है जहाँ आनुवंशिकी क्लिनिक से प्रसवपूर्व निदान - परीक्षण के लिए प्राप्त नमूनों का विश्लेषण या परीक्षण करने की सुविधाएं दी जाती हैं।

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(f) “gynaecologist” means a person who possesses a post-graduate qualification in gynaecology and obstetrics;

“स्त्री रोग विशेषज्ञ” से ऐसा व्यक्ति अभिप्रेत है जिसके पास स्त्री रोग विज्ञान और प्रसूति विज्ञान में स्नातकोत्तर अर्हता है;

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(g) **“medical geneticist”** includes a person who possesses a degree or diploma in genetic science in the fields of sex selection and pre-natal diagnostic techniques or has experience of not less than two years in any of these fields after obtaining—

“चिकित्सा आनुवंशिकीविज्ञ” में ऐसा व्यक्ति सम्मिलित है जिसके पास लिंग चयन और प्रसवपूर्व निदान तकनीकों के क्षेत्रों में आनुवंशिकी विज्ञान में कोई उपाधि या डिप्लोमा है या निम्नलिखित अर्हता अभिप्राप्त करने के पश्चात् इनमें से किसी क्षेत्र में कम से कम दो वर्ष का अनुभव है :-

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PCPNDT Act, 1994

(i) IMCA
1956

(i) any one of the medical qualifications recognised under the Indian Medical Council Act, 1956 (102 of 1956); or

भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के अधीन मान्यताप्राप्त चिकित्सा अर्हताओं में से कोई ; या

(ii) a post-graduate degree in biological sciences;

जैव-विज्ञान में कोई स्नातकोत्तर उपाधि;

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(h) **“paediatrician”** means a person who possesses a post-graduate qualification in paediatrics;

"बाल चिकित्सक" से ऐसा व्यक्ति अभिप्रेत है जिसके पास बाल चिकित्सा विज्ञान में स्नातकोत्तर अर्हता है ;

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(i) "pre-natal diagnostic procedures" means all gynaecological or obstetrical or medical procedures such as ultrasonography, fetoscopy, taking or removing samples of amniotic fluid, chorionic villi, embryo, blood or any other tissue or fluid of a man, or of a woman before or after conception, for being sent to a Genetic Laboratory or Genetic Clinic for conducting any type of analysis or pre-natal diagnostic tests for selection of sex before or after conception;

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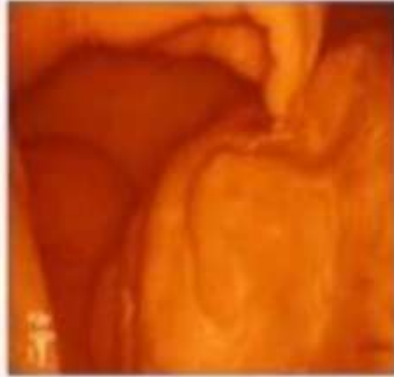
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FETOSCOPY



"प्रसवपूर्व निदान प्रक्रिया" से अभिप्रेत है सभी स्त्री रोग सम्बन्धी या प्रसूति विज्ञान सम्बन्धी या चिकित्सा सम्बन्धी प्रक्रियाएं, जैसे कि पराश्रव्य लेखन, भ्रूण दार्शिकी; गर्भधारण के पूर्व या पश्चात् लिंग चयन के लिए, किसी प्रकार के किसी विश्लेषण या प्रसव पूर्व निदान परीक्षण के लिए, किसी पुरुष या स्त्री के, उल्च- तरल, जरायु अंकुरिका, भ्रूण, रक्त या किसी अन्य टिशू या तरल का किसी आनुवंशिकी प्रयोगशाला या आनुवंशिकी क्लीनिक में भेजने के लिए नमूना लेना या निकालना;

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(j) "pre-natal diagnostic techniques" includes all pre-natal diagnostic procedures and pre-natal diagnostic tests;

"प्रसवपूर्व निदान तकनीक " के अन्तर्गत सभी प्रसवपूर्व निदान प्रक्रियाएं और प्रसवपूर्व निदान परीक्षण है ;

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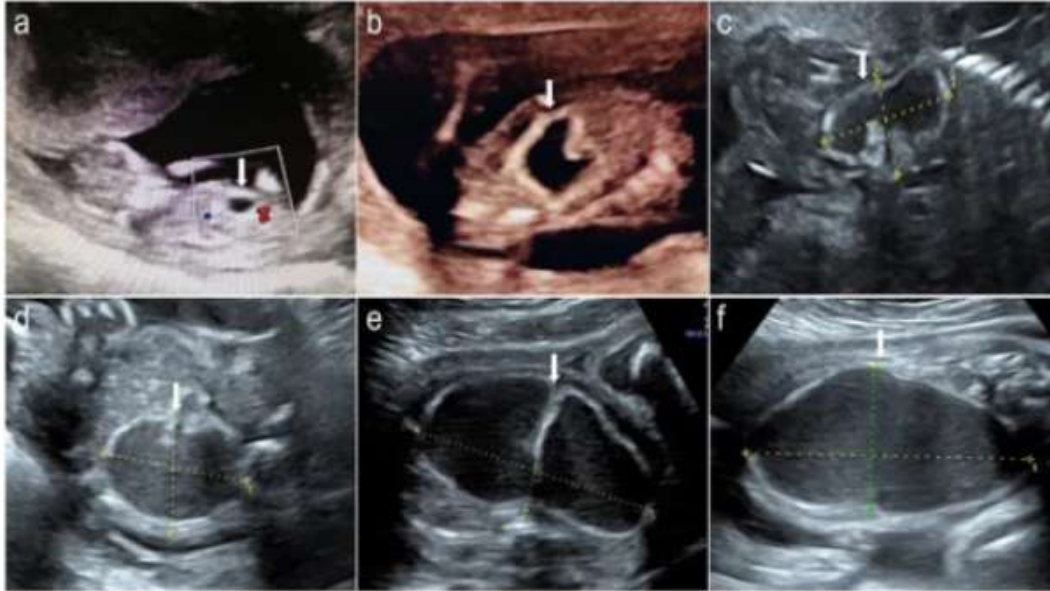
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(k) “pre-natal diagnostic test” means ultrasonography or any test or analysis of amniotic fluid, chorionic villi, blood or any tissue or fluid of a pregnant woman or conceptus conducted to detect genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases;



“प्रसव पूर्व निदान परीक्षण” से किसी गर्भवती स्त्री या गर्भ उत्पाद के आनुवंशिकी या मेटाबोली विकारों या गुणसूत्री अप्रसामान्यताओं या जन्मजात असंगतियों या हीमोग्लोबिन विकृतियों या लिंग सहलग्न रोगों का पता लगाने के लिए किया गया पराश्रव्य लेखन या उसके उल्व - तरल, जरायु अंकुरिका, रक्त या किसी टिशू या तरल का कोई परीक्षण या विश्लेषण अभिप्रेत है;

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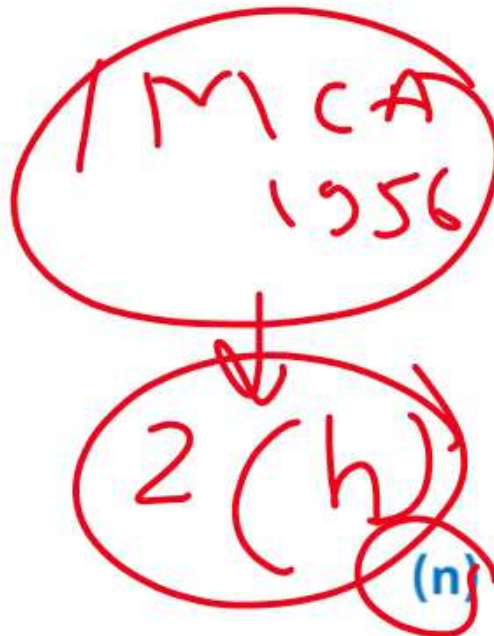
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(l) **“prescribed”** means prescribed by rules made under this Act;
“विहित” से इस अधिनियम के अधीन बनाए गए नियमों द्वारा विहित अभिप्रेत है;

(m) **“registered medical practitioner”** means a medical practitioner who possesses any recognised medical qualification as defined in section 2 (h) of the Indian Medical Council Act, 1956 and



“रजिस्ट्रीकृत चिकित्सा व्यवसायी” से ऐसा चिकित्सा व्यवसायी अभिप्रेत है, जिसके पास भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की धारा 2 के खंड (ज) में परिभाषित कोई मान्यता प्राप्त चिकित्सा अर्हता है और

whose name has been entered in a **State Medical Register**;
जिसका नाम राज्य चिकित्सा रजिस्टर में प्रविष्ट है ;

(n) **“regulations”**

(o) **“sex selection”**

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PCPNDT Act, 1994



(p) “sonologist or imaging specialist” means a person who possesses any one of the medical qualifications recognised under the Indian Medical Council Act, 1956 (102 of 1956) or who possesses a post-graduate qualification in ultrasonography or imaging techniques or radiology;

“सोनोलोजिस्ट या चित्रण विशेषज्ञ” से कोई ऐसा व्यक्ति अभिप्रेत है जिसके पास भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के अधीन मान्यताप्राप्त कोई चिकित्सा अर्हता है या जिसके पास पराश्रव्य लेखन या इमेजिंग तकनीकों या विकिरण विज्ञान में कोई स्नातकोत्तर अर्हता है;

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(q) "State Board" ✓
"राज्य बोर्ड"

(r) "State Government" ✓✓

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PCPNDT Act, 1994



CHAPTER II REGULATION OF GENETIC COUNSELLING CENTRES, GENETIC LABORATORIES AND GENETIC CLINICS /

आनुवंशिकी सलाह केन्द्रों, आनुवंशिकी प्रयोगशालाओं
और आनुवंशिकी क्लिनिकों का विनियमन

3. Regulation of Genetic Counselling
Centres, Genetic Laboratories and
Genetic Clinics, (आनुवंशिकी सलाह केन्द्रों,
आनुवंशिकी प्रयोगशालाओं और आनुवंशिकी
क्लिनिकों का विनियमन) — On and from
the commencement of this Act, इस
अधिनियम के प्रारंभ से ही —

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PCPNDT Act, 1994

- (1) no Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic unless registered under this Act, shall conduct or associate with, or help in, conducting activities relating to pre-natal diagnostic techniques;
- कोई भी आनुवंशिकी सलाह केन्द्र, आनुवंशिकी प्रयोगशाला या आनुवंशिकी क्लिनिक जब तक कि वह इस अधिनियम के अधीन रजिस्ट्रीकृत न हो, प्रसवपूर्व निदान - तकनीकों से संबंधित कोई क्रियाकलाप नहीं करेगा या ऐसे क्रियाकलापों के किये जाने में सहबद्ध या सहायक नहीं होगा।

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PCPNDT Act, 1994

Lab/Clinic
↓
employers
↓
Qualified

(2) no Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall employ or cause to be employed or take services of any person, whether on honorary basis or on payment who does not possess the qualifications as may be prescribed;

कोई भी आनुवंशिकी सलाह केन्द्र या आनुवंशिकी प्रयोगशाला या आनुवंशिकी क्लिनिक किसी ऐसे व्यक्ति को जिसके पास ऐसी अर्हताएँ, जो विहित की जाएं, नहीं हैं, मानार्थ या संदाय पर नियोजित नहीं करेगा या नियोजित नहीं कराएगा या उसकी सेवाएँ नहीं लेगा।

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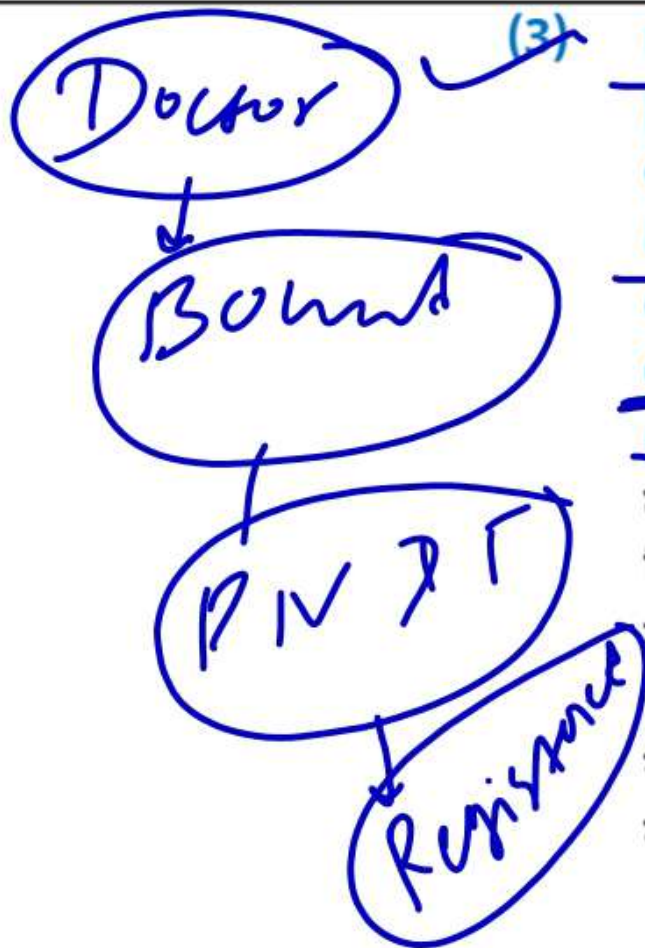
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PCPNDT Act, 1994



no medical geneticist, gynaecologist paediatrician registered medical practitioner or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person, any pre-natal diagnostic techniques at a place other than a place registered under this Act.

कोई भी चिकित्सा आनुवंशिकीविज्ञ, स्त्री रोग विशेषज्ञ, बाल चिकित्सक, रजिस्ट्रीकृत चिकित्सा व्यवसायी या कोई अन्य व्यक्ति, इस अधिनियम के अधीन रजिस्ट्रीकृत स्थान से भिन्न किसी स्थान पर कोई प्रसवपूर्व निदान-तकनीक प्रक्रिया स्वयं या किसी अन्य व्यक्ति के माध्यम से उपयोग नहीं करेगा या नहीं कराएगा या उसके उपयोग में सहायता नहीं करेगा।

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PCPNDT Act, 1994

See.



3A. Prohibition of sex selection. (लिंग चयन पर प्रतिषेध) — No person, including a specialist or a team of specialists in the field of infertility, shall conduct or cause to be conducted or aid in conducting by himself or by any other person, sex selection on a woman or a man or on both or on any tissue, embryo, conceptus, fluid or gametes derived from either or both of them.

कोई व्यक्ति, जिसमें बंध्यता के क्षेत्र में कोई विशेषज्ञ या विशेषज्ञों का दल सम्मिलित है, किसी स्त्री या किसी पुरुष या दोनों पर अथवा उनमें से किसी से या दोनों से लिए गये किसी टिशू, भ्रूण गर्भ उत्पाद, तरल या गेमीट पर स्वयं लिंग चयन नहीं करेगा या किसी अन्य व्यक्ति से नहीं कराएगा अथवा ऐसा करने में स्वयं सहायता नहीं करेगा या किसी अन्य व्यक्ति से सहायता नहीं लेगा।

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PCPNDT Act, 1994



Sec -

3B. Prohibition on sale of ultrasound machine, etc., to persons, laboratories, clinics, etc., not registered under the Act.

(ऐसे व्यक्तियों, प्रयोगशालाओं, क्लिनिकों, आदि को, जो अधिनियम के अधीन रजिस्ट्रीकृत नहीं है, पराश्रव्य मशीन के विक्रय पर प्रतिषेध.) —



to any **Genetic Counselling Centre,**

आनुवंशिकी सलाह केन्द्र

Genetic Laboratory,

आनुवंशिकी प्रयोगशाला

Genetic Clinic or any other person

आनुवंशिकी क्लिनिक या किसी अन्य व्यक्ति

not registered under the Act.

जो अधिनियम के अधीन रजिस्ट्रीकृत नहीं है

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CHAPTER III REGULATION OF PRE-NATAL DIAGNOSTIC TECHNIQUES

प्रसवपूर्व निदान तकनीकों का विनियमन

Sec 4.

Regulation of pre-natal diagnostic techniques.
(प्रसवपूर्व निदान - तकनीकों का विनियमन)

On and from the commencement of this Act,

इस अधिनियम के प्रारंभ से ही, —

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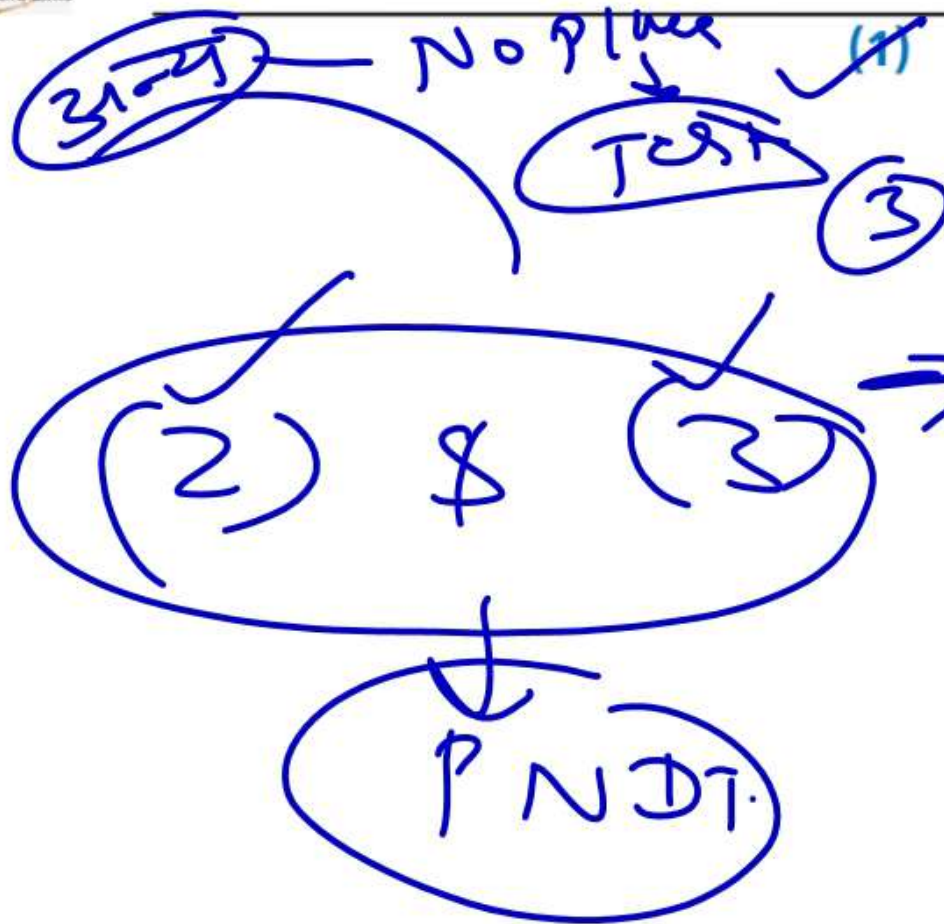


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PCPNDT Act, 1994



①
No place including a registered Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall be used or caused to be used by any person for conducting pre-natal diagnostic techniques

except for the purposes specified in clause (2) and clause (3);

ऐसे किसी भी स्थान का, जिसके अन्तर्गत रजिस्ट्रीकृत आनुवंशिकी सलाह केन्द्र या आनुवंशिकी प्रयोगशाला या आनुवंशिकी क्लिनिक है, किसी व्यक्ति द्वारा, खंड (2) में विनिर्दिष्ट प्रयोजनों और खंड (3) में विनिर्दिष्ट किन्हीं शर्तों को पूरा करने के पश्चात् के सिवाय, प्रसवपूर्व निदान तकनीक प्रक्रिया करने के लिए उपयोग नहीं किया जाएगा अथवा उपयोग नहीं कराया जाएगा।

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PCPNDT Act, 1994

(2) no pre-natal diagnostic techniques shall be conducted except for the purposes of detection of any of the following abnormalities, namely: —

कोई भी प्रसवपूर्व निदान तकनीक का निम्नलिखित अप्रसामान्यताओं में से किसी का पता लगाने के प्रयोजनों के सिवाय, उपयोग नहीं किया जाएगा :-

- (i) chromosomal abnormalities; / गुणसूत्री अप्रसामान्यताएं
- (ii) genetic metabolic diseases; / आनुवंशिकी मेटाबोली रोग;
- (iii) haemoglobinopathies; / हीमोग्लोबिन विकृतियां
- (iv) sex-linked genetic diseases; / लिंग सहलग्न आनुवंशिकी रोग
- (v) congenital anomalies; / जन्मजात असंगतियां
- (vi) any other abnormalities or diseases as may be specified by the Central Supervisory Board;) ऐसी कोई अप्रसामान्यताएं या रोग जो केन्द्रीय पर्यवेक्षण बोर्ड द्वारा विनिर्दिष्ट किए जाएं।

+ve

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(3) no pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied for reasons to be recorded in writing that any of the following conditions are fulfilled, namely: —

→ किसी भी प्रसवपूर्व निदान-तकनीकी का उपयोग या परिचालन तभी किया जाएगा जब निम्नलिखित किसी शर्त की पूर्ति हो गई है:-

(i) age of the pregnant woman is above 35 years;
गर्भवती स्त्री की आयु 35 वर्ष से अधिक है;

(ii) the pregnant woman has undergone two or more spontaneous abortions or foetal loss;
गर्भवती स्त्री के दो या दो से अधिक स्वतः गर्भपात हुए हैं या भ्रूण हानि हुई है;

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PCPNDT Act, 1994

- (iii) the pregnant woman had been exposed to potentially teratogenic agents such as drugs, radiation, infection or chemicals;
गर्भवती स्त्री, विभव विरूपजनकों, जैसे कि ओषधियों, विकिरणों, संक्रमण या रसायनों से प्रभावित हुई है ;
- (iv) the pregnant woman or her spouse has a family history of mental retardation or physical deformities such as, spasticity or any other genetic disease;
गर्भवती स्त्री या उसके पति के कुटुम्ब में मानसिक मंदता या शारीरिक विरूपता जैसे कि संस्तम्भता या किसी अन्य आनुवंशिकी रोग का परिवार वृत्त है
- (v) any other condition

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PCPNDT Act, 1994



V.V.V. imf.
Provided that the person conducting ultrasonography on a pregnant woman shall keep complete record thereof in the clinic

परन्तु किसी गर्भवती स्त्री पर पराश्रव्य लेखन करने वाला व्यक्ति क्लिनिक में उसका पूरा अभिलेख रखेगा

and any deficiency or inaccuracy found therein shall amount to contravention of the provisions of section 5 or section 6

और उसमें पाई गई कोई कमी या अशुद्धि धारा 5 या धारा 6 के उपबन्धों का उल्लंघन मानी जाएगी

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(4)

no person including a relative or husband of the pregnant woman shall seek or encourage the conduct of any pre-natal diagnostic techniques on her except for the purposes specified in clause (2);

कोई व्यक्ति जिसमें गर्भवती स्त्री का नातेदार या पति सम्मिलित है, खण्ड (2) में विनिर्दिष्ट प्रयोजनों के सिवाय, उस पर किसी प्रसवपूर्व निदान - तकनीक का उपयोग नहीं कराएगा या उसे प्रोत्साहित नहीं करेगा।

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PCPNDT Act, 1994



Sec. 5.

Written consent of pregnant woman and prohibition of communicating the sex of foetus.

(गर्भवती स्त्री की लिखित सहमति और भ्रूण के लिंग की संसूचना का प्रतिषेध.) —

✓ (1) No person shall conduct the pre-natal diagnostic procedures unless—

धारा 3 के खंड (2) में निर्दिष्ट कोई भी व्यक्ति, प्रसवपूर्व निदान प्रक्रियाओं का उपयोग तब करेगा जब-

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PCPNDT Act, 1994

Consent

(a) he has explained all known side and after effects of such procedures to the pregnant woman concerned;

उसने संबंधित गर्भवती स्त्री को ऐसी प्रक्रियाओं के सभी ज्ञात आनुषंगी प्रभावों और अनुवर्ती प्रभावों को स्पष्ट कर दिया हो;

(b) he has obtained in the prescribed form her written consent to undergo such procedures in the language which she understands; and

उसने ऐसी प्रक्रियाएं कराने की उसकी लिखित सहमति ऐसी भाषा में जो वह समझती है, विहित प्ररूप में प्राप्त कर ली हो ; और

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PCPNDT Act, 1994

(c) a copy of her written consent obtained under clause (b) is given to the pregnant woman.

खंड (ख) के अधीन प्राप्त उसकी लिखित सहमति की प्रति गर्भवती स्त्री को दे दी हो ।

(2) No person including the person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives or any other person the sex of the foetus by words, signs, or in any other manner.

कोई व्यक्ति जिसमें प्रसवपूर्व निदान प्रक्रिया करने वाला व्यक्ति सम्मिलित है, सम्बन्धित गर्भवती स्त्री या उसके नातेदारों या किसी अन्य व्यक्ति को शब्दों, संकेतों द्वारा या किसी अन्य रीति से भ्रूण का लिंग संसूचित नहीं करेगा ।

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PCPNDT Act, 1994

Sec

6. Determination of sex prohibited.
(लिंग अवधारण का प्रतिषेध) —



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defines

2(b)

CHAPTER IV CENTRAL SUPERVISORY BOARD

केन्द्रीय पर्यवेक्षण बोर्ड

Sec **7. Constitution of Central Supervisory Board.**
(केन्द्रीय पर्यवेक्षण बोर्ड का गठन) —

- (1) The **Central Government** shall constitute a Board to be known as the Central Supervisory Board to exercise the powers and perform the functions conferred on the Board under this Act.

केन्द्रीय सरकार, इस अधिनियम के अधीन बोर्ड को प्रदत्त शक्तियों का प्रयोग और कृत्यों का पालन करने के लिए एक बोर्ड का, जो केन्द्रीय पर्यवेक्षण बोर्ड के नाम से ज्ञात होगा, गठन करेगी।

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CHAPTER VII (22-28) OFFENCES AND PENALTIES

अपराध और शास्तियां

22. Prohibition of advertisement relating to pre-conception and pre-natal determination of sex and punishment for contravention.

(गर्भधारण पूर्व और प्रसवपूर्व लिंग अवधारण सम्बन्धी विज्ञापन का प्रतिषेध और उसके उल्लंघन के लिए दण्ड.) —

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PCPNDT Act, 1994

Explanation. – For the purposes of this section, “advertisement” includes

- 1 • any notice,
- 2 • circular,
- 3 • label,
- 4 • wrapper or any other document
- 5 • including advertisement through internet or
- 6 • any other media in electronic or print form
and also includes
 - ✓ any visible representation made by means of any hoarding,
 - wall-painting,
 - signal,
 - light,
 - sound,
 - smoke or gas.

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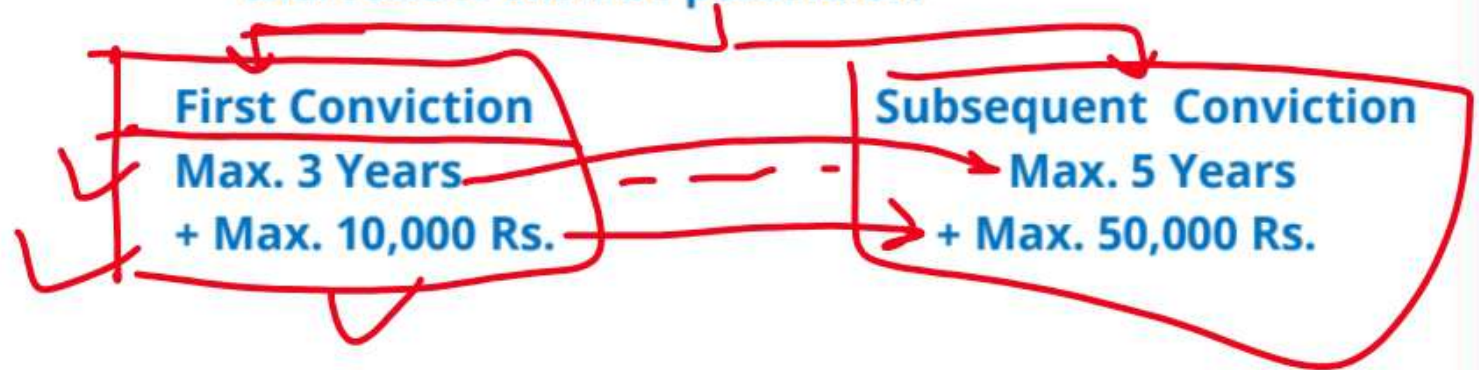
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PCPNDT Act, 1994

23. ¹ Offences and penalties. (अपराध और शास्तियां) ²
³ (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre, Laboratory or Clinic and renders his professional or technical services to or at such a Centre, Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made thereunder shall be punishable



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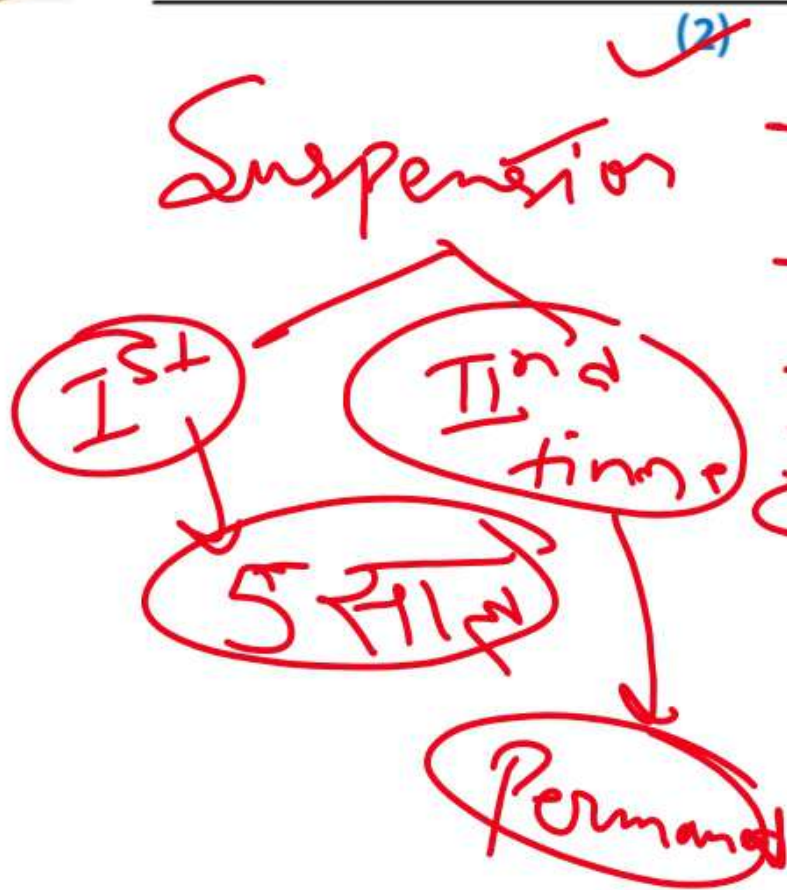
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PCPNDT Act, 1994



The name of the registered medical practitioner shall be reported by the Appropriate Authority to the State Medical Council concerned for taking necessary action including suspension of the registration if the charges are framed by the court and till the case is disposed of and on conviction for removal of his name from the register of the Council for a period of five years for the first offence and permanently for the subsequent offence.

रजिस्ट्रीकृत चिकित्सा व्यवसायी का नाम समुचित प्राधिकारी द्वारा संबंधित राज्य आयुर्विज्ञान परिषद् को आवश्यक कार्रवाई करने के लिए, जिसके अन्तर्गत रजिस्ट्रीकरण का निलंबन, यदि न्यायालय द्वारा आरोप विरचित किए जाते हैं, और मामले के निपटाए जाने तक, और सिद्धदोष ठहराए जाने पर उसके नाम को प्रथम अपराध के लिए पाँच वर्ष की अवधि के लिए और पश्चात्वर्ती अपराध के लिए स्थायी रूप से परिषद् के रजिस्टर से हटाया जाना भी है, रिपोर्ट किया जाएगा।

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PCPNDT Act, 1994



① Last
→ oct 2002
+
② Person

(3) Any person who seeks the aid of any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or ultrasound clinic or imaging clinic or of a medical geneticist, gynaecologist, sonologist or imaging specialist or registered medical practitioner or any other person for sex selection or for conducting pre-natal diagnostic techniques on any pregnant women for the purposes other than those specified in sub-section (2) of section 4, he shall, be punishable



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PCPNDT Act, 1994

Sec.

24. **Presumption in the case of conduct of pre-natal diagnostic techniques.** (प्रसवपूर्व निदान तकनीकों के संचालन की दशा में उपधारणा) —

The court shall presume that the pregnant woman was compelled by her husband or any other relative, to undergo pre-natal diagnostic technique.



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PCPNDT Act, 1994

Sec 25. Penalty for contravention of the provisions of the Act or rules for which no specific punishment is provided.

(अधिनियम या नियमों के उन उपबंधों के उल्लंघन के लिये शास्ति जिनके लिये किसी विनिर्दिष्ट दंड का उपबंध नहीं किया गया है) —

① शास्ति

imprisonment
Max. 3 Months or
Max. 1000 Rs.
Or both

fine
(दंड)

Continuing Contravention
Max. 500 Rs. Every day
additional fine.

200 days → fine

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PCPNDT Act, 1994

Sec 26.

Offences by companies.
(कम्पनियों द्वारा अपराध) —

In-Charge, Responsible, Company Director

Who knowing

Company

innocently

+ Due Diligence

v.v.imp.

27. Offence to be cognizable, non-bailable and non-compoundable. (अपराध का संज्ञेय, अजमानतीय और अशमनीय और होना) —

Every offence under this Act shall be cognizable, non-bailable and non-compoundable.

इस अधिनियम के अधीन प्रत्येक अपराध संज्ञेय, अजमानतीय और अशमनीय होगा ।

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28. Cognizance of offences. (अपराधों का संज्ञान) —



(1) No court shall take cognizance of an offence under this Act except on a complaint made by—

कोई भी न्यायालय इस अधिनियम के अधीन किसी अपराध का संज्ञान,

(a) the Appropriate Authority concerned, or any officer authorised in this behalf by the Central Government or State Government, as the case may be, or the Appropriate Authority; or संबंधित समुचित प्राधिकारी द्वारा अथवा, यथास्थिति, केन्द्रीय सरकार या राज्य सरकार या समुचित प्राधिकारी द्वारा इस निमित्त प्राधिकृत किसी अधिकारी द्वारा; या

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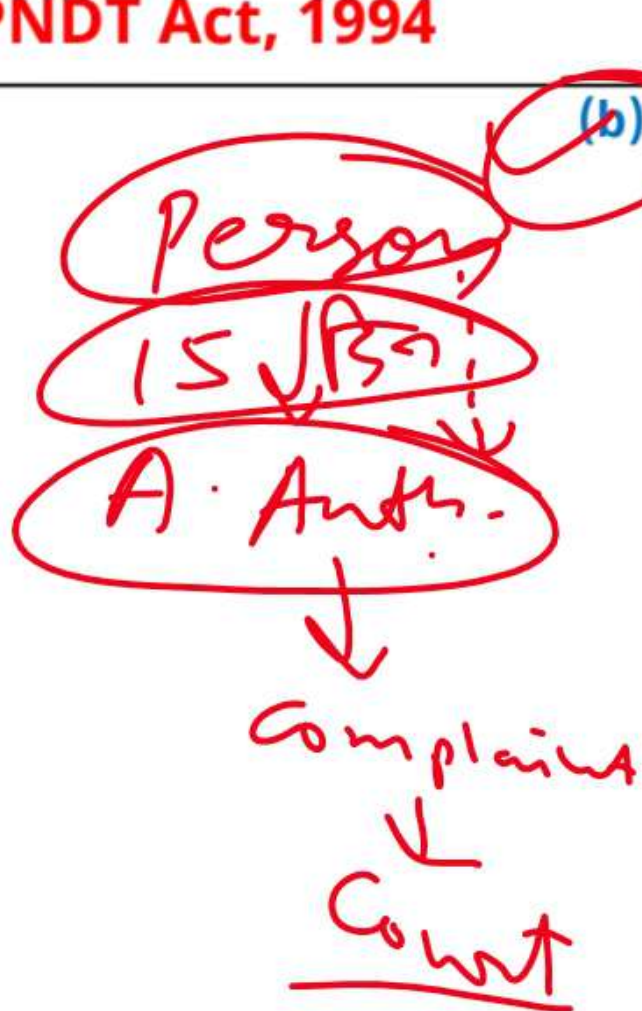
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PCPNDT Act, 1994



a person who has given notice of not less than fifteen days in the manner prescribed, to the Appropriate Authority, of the alleged offence and of his intention to make a complaint to the court.

ऐसे व्यक्ति द्वारा जिनसे अभिकथित अपराध की ओर न्यायालय में परिवाद करने के अपने आशय की कम से कम पन्द्रह दिन की सूचना विहित रीति से समुचित प्राधिकारी को दी है, किए गए परिवाद पर ही करेगा अन्यथा नहीं है।

Explanation. — For the purpose of this clause, "person" includes a social organisation.

इस खंड - इस खंड के प्रयोजन के लिये " व्यक्ति" के अन्तर्गत कोई सामाजिक संगठन

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PCPNDT Act, 1994

① MMI

② CJM 1st class

✓(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.

महानगर मजिस्ट्रेट या प्रथम वर्ग न्यायिक मजिस्ट्रेट से भिन्न कोई न्यायालय इस अधिनियम के अधीन दंडनीय किसी अपराध का विचारण नहीं करेगा।

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PCPNDT Act, 1994

25(1)(b)

(3)

Where a complaint has been made under clause (b) of sub-section (1), the court may, on demand by such person, direct the Appropriate Authority to make available copies of the relevant records in its possession to such person.

जहां कोई परिवाद उपधारा (1) के खंड (ख) के अधीन किया गया है वहां न्यायालय, ऐसे व्यक्ति द्वारा मांग किए जाने पर, समुचित प्राधिकारी को, उसके कब्जे में के सुसंगत अभिलेखों की प्रतियां ऐसे व्यक्ति को उपलब्ध कराने का निदेश दे सकेगा ।

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PCPNDT Act, 1994

29-34
Sec

CHAPTER VIII - 8
MISCELLANEOUS/प्रकीर्ण



Maintenance of Accounts and Records

29. Maintenance of records. (अभिलेख का रखा जाना) — (1) All records, charts, forms, reports, consent letters and all other documents required to be maintained under this Act and the rules shall be preserved for a period of two years or for such period as may be prescribed

इस अधिनियम और नियमों के अधीन रखे जाने के लिये अपेक्षित सभी अभिलेखों, चा, प्ररूपों, रिपोर्टों, सहमति पत्रों तथा अन्य सभी दस्तावेजों का, दो वर्ष की अवधि तक या ऐसी अवधि तक, जो विहित की जाए, परिरक्षण किया जाएगा:



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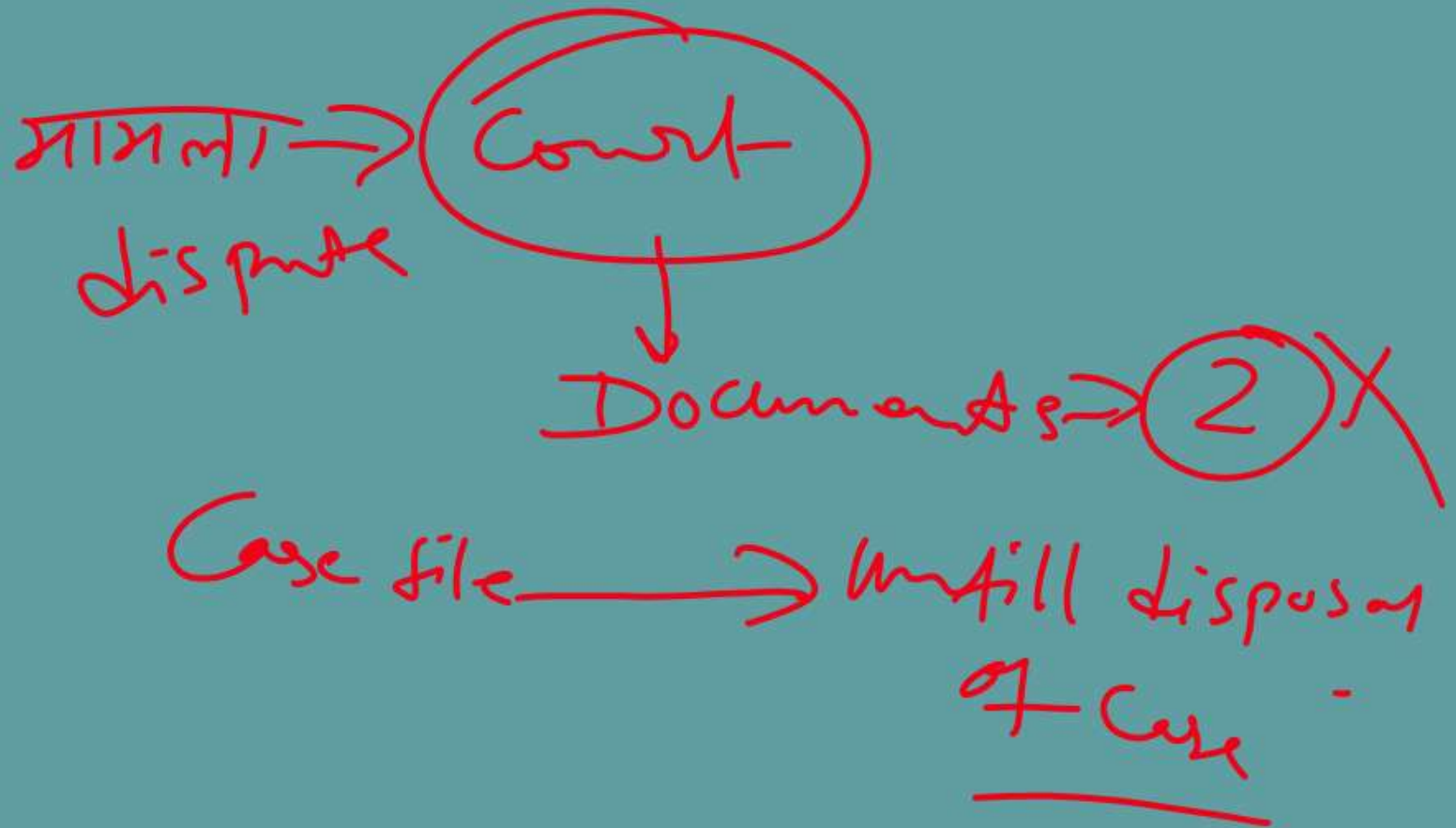


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PCPNDT Act, 1994

Provided that, if any criminal or other proceedings are instituted against any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, the records and all other documents of such Centre, Laboratory or Clinic shall be preserved till the final disposal of such proceedings.

परन्तु यदि किसी आनुवंशिकी सलाह केन्द्र, आनुवंशिकी प्रयोगशाला या आनुवंशिकी क्लिनिक के विरुद्ध कोई दांडिक या अन्य कार्यवाही संस्थित की जाती हैं तो ऐसे केन्द्र, प्रयोगशाला या क्लिनिक के अभिलेखों और अन्य सभी दस्तावेजों का ऐसी कार्यवाहियों के अंतिम निपटारे तक परिरक्षण किया जाएगा ।

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PCPNDT Act, 1994

Sec- 30. Power to search and seize records, etc. (तलाशी लेने और अभिलेखों, आदि के अभिग्रहण करने की शक्ति.) —

(1) If the Appropriate Authority has reason to believe that an offence under this Act has been or is being committed at any

यदि समुचित प्राधिकारी के पास यह विश्वास करने का कारण है कि इस अधिनियम के अधीन कोई अपराध

①
②
③

Genetic Counselling Centre,

किसी आनुवंशिकी सलाह केन्द्र,

Genetic Laboratory,

आनुवंशिकी प्रयोगशाला

Genetic Clinic or any other place,

आनुवंशिकी क्लिनिक या किसी अन्य स्थान

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PCPNDT Act, 1994

such Authority or any officer authorised in this behalf may,
ऐसे प्राधिकारी या इस निमित्त प्राधिकृत कोई अधिकारी

⇒ enter and search at all reasonable times and
प्रवेश कर सकेगा और तलाशी ले सकेगा

examine any record, register, document, book, pamphlet,
advertisement or any other material object found therein
and seize and seal the same

वहाँ पाए गए किसी अभिलेख, रजिस्टर, दस्तावेज, पुस्तक, पुस्तिका, विज्ञापन या
किसी अन्य भौतिक पदार्थ की परीक्षा कर सकेगा और उसे अभिगृहीत और
मुहरबन्द कर सकेगा,

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PCPNDT Act, 1994

C & PC

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.

दंड प्रक्रिया संहिता, 1973 (1974 का 2) के तलाशी और अभिग्रहण से संबंधित उपबंध, जहां तक हो सके, इस अधिनियम के अधीन ली गई प्रत्येक तलाशी या अभिग्रहण को लागू होंगे।

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PCPNDT Act, 1994

- Sec. 31. **Protection of action taken in good faith.**
(सद्भाव पूर्वक की गई कार्यवाही के लिये संरक्षण) —
No suit, prosecution or other legal proceeding shall lie → C.J. / S.J.
- Sec. 31A. **Removal of difficulties.**
(कठिनाइयों का दूर किया जाना) — officer
- Sec. 32. **Power to make rules.** (नियम बनाने की शक्ति.) —
(1) The Central Government may make rules for carrying out the provisions of this Act.
केन्द्रीय सरकार इस अधिनियम के उपबंधों को कार्यान्वित करने के लिये नियम बना सकेगी।

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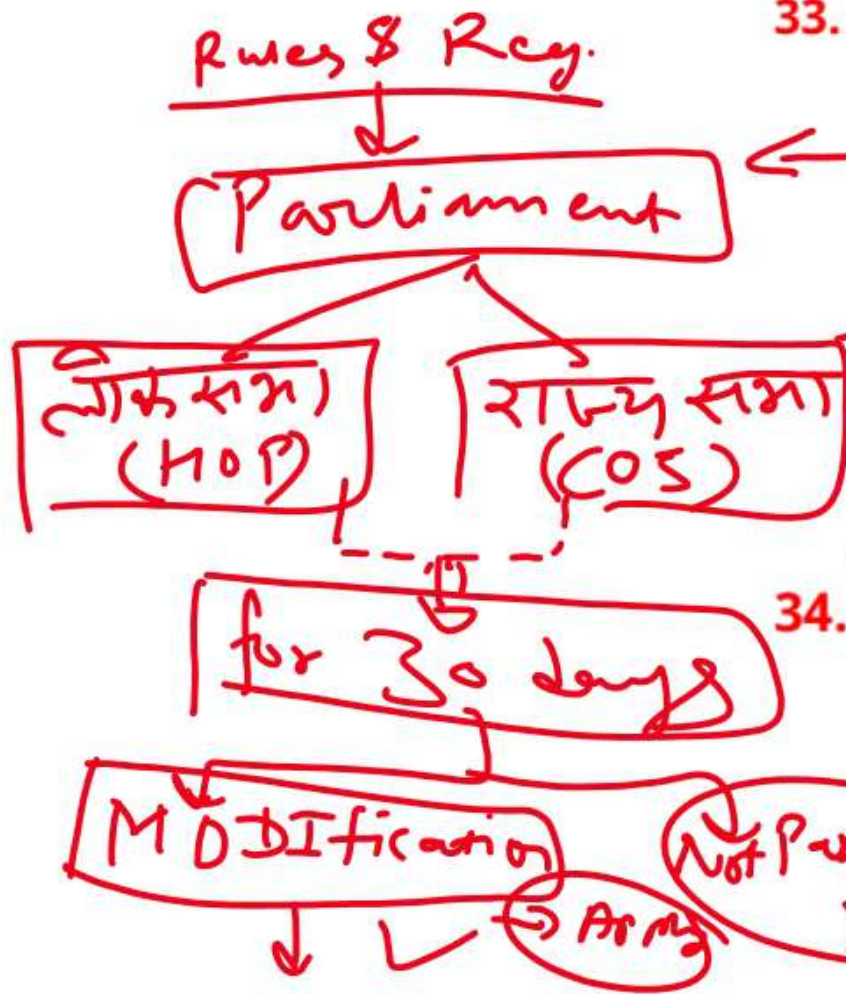
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PCPNDT Act, 1994



33. Power to make regulations. (विनियम बनाने की शक्ति.) —

The Central Supervisory Board may, with the previous sanction of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder

34. Rules and regulations to be laid before Parliament.

(नियमों और विनियमों का संसद के समक्ष रखा जाना)

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Judiciary Mains Test Series	✗ No	✓ Yes	✓ Yes
PYQs	✗ No	✓ Yes	✓ Yes
Judgement Writing Test Series	✗ No	✗ No	✓ Yes
Local Laws Test Series	✗ No	✗ No	✓ Yes
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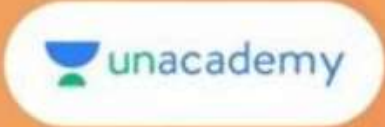


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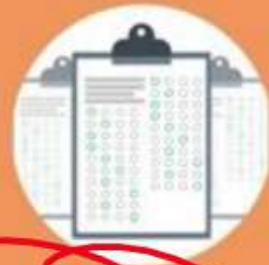
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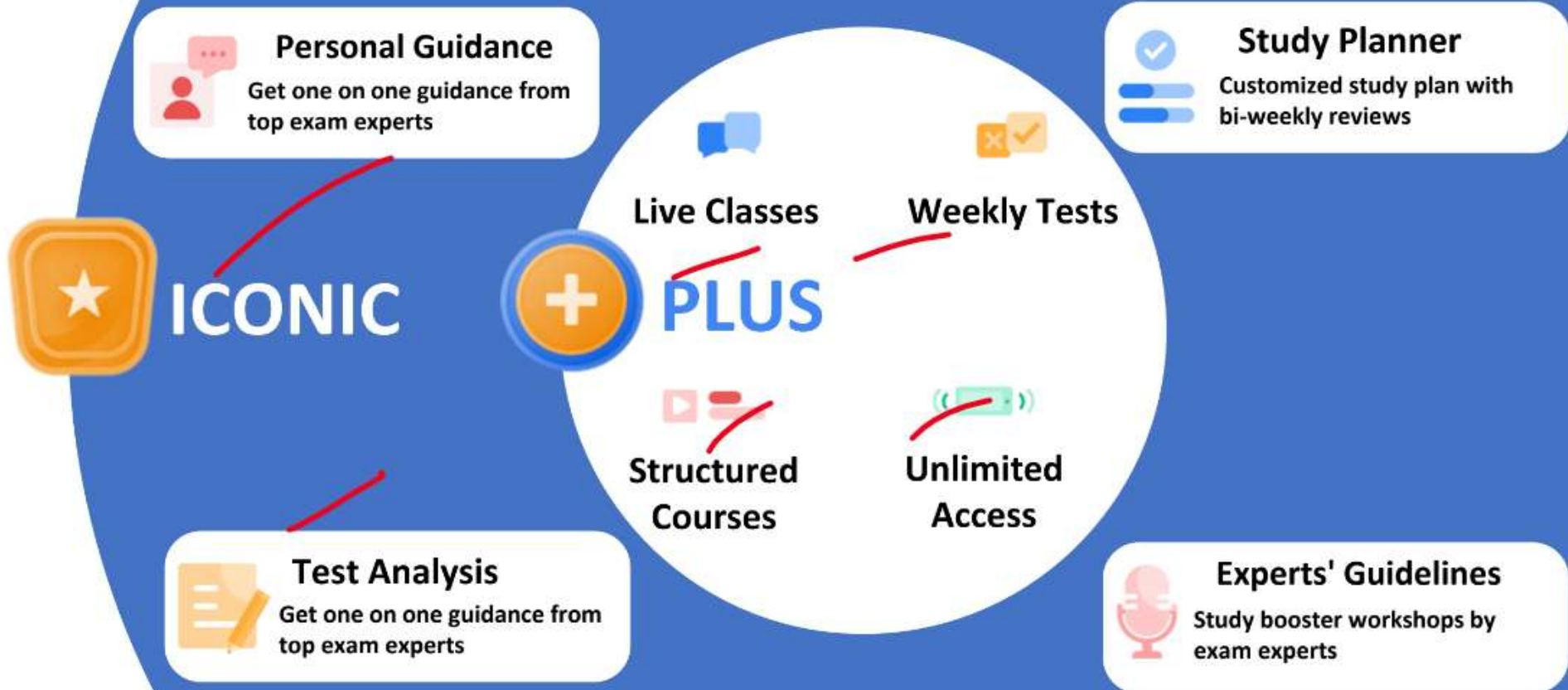
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