

**DO'S AND DON'TS
TO BE OBSERVED
BY THE APPROPRIATE AUTHORITIES
UNDER
THE PRE-CONCEPTION
&
PRE-NATAL DIAGNOSTIC TECHNIQUES ACT, 1994**

VIOLATIONS	SECTION/RULE OF THE PNCT ACT	PENALTIES
<p>1. Minor Offences</p> <p>(i) Non-availability of copy of the PNCT Act in the registered centre</p> <p>(ii) Non-Display of registration certificate in the centre</p> <p>(iii) Non-Display of Board in the premises in English Language that the text of the notice is prohibited under law</p>	<p>Rule No. 17(2)</p>	<p>For Minor Offences:</p> <ul style="list-style-type: none"> • Case may be launched in the court of M.C. u/s 25 of the Act • Punishment may extend to 3 months or with fine, which may extend to Rs. 1000 for first offence. Additional Rs. 200/- per day for the subsequent offences.
<p>2. Advertisement relating to pre-conception and prenatal determination of sex.</p>	<p>Section 22(1), (2)</p>	<p>• Under Section 20(4)</p> <p>• U/s 22(3) of the PNCT Amendment Act imprisonment which may extend to 3 years and with fine which may extend to Rs. 10,000/-</p>
<p>3. Unregistered centres. It includes all such centres where any portable equipment capable of detecting sex before or after conception is used. The owner of such equipment may be having a registered facility somewhere else.</p>	<p>Section 23(1)</p>	<p>• Case is to be launched in the court u/s 23 of the Act</p> <p>• Any such equipment has to be seized and sold by the Appropriate Authority concerned. He/she may</p> <ul style="list-style-type: none"> • Launch the case in the court u/s 23 of the Act. • Register such centre after receiving 5 times the registration fee as penalty and after taking a undertaking as per the PNCT Rules- Rule 14(2)
<p>4. Irregularities in registered centre</p> <p>(i) Owner/employee conducting the ultrasonography not qualified</p> <p>(ii) More than a word machine/equipment is there as last number register</p> <p>(iii) Minor deficiency in record Keeping</p>	<p>Section 20(2) and Rule 3(2)</p> <p>Under Rule 4 B and as per Form A, Sr. No-6</p> <p>Under rule 9</p>	<p>The Appropriate Authority or person authorized thereupon may</p> <ul style="list-style-type: none"> • Issue show cause notice u/s 20(1)(2) of the Act and with the endorsement of the Advisory Committee, may suspend for a reasonable period all round the registration, as per the provisions of the violator.

VIOLATIONS UNDER THE PNDD ACT AND THE PENALTIES

VIOLATIONS	SECTION/RULE OF THE PNDD ACT	PENALTIES
<p>1. Minor Offences</p> <p>i) Non-availability of copy of the PNDD Act in the registered centre</p> <p>ii) Non- Display of registration certificate in the centre.</p> <p>iii) Non-Display of Board in the premises in English and Local Language that 'Disclosure of the sex of the foetus is prohibited under law'.</p>	<p>Rule No. 17(2)</p> <p>Rule No. 6(2)</p> <p>Rule No. 17(1)</p>	<p>For Minor Offences:</p> <ul style="list-style-type: none"> • Case may be launched in the court of JMJC u/s 25 of the Act. Punishment may extend to 3 months or with fine, which may extend to Rs. 1,000/- for first offence. Additional fine upto Rs. 500/- per day for the period of contravention for subsequent offence. <li style="text-align: center;">Or • Show cause notice u/s 20(1),(2) for temporary suspension of registration. <li style="text-align: center;">Or • Under Section 20(3)
<p>2. Advertisement relating to pre-conception and pre-natal determination of sex.</p>	<p>Section 22(1), (2).</p>	<p>U/s 22(3) of the PNDD Amendment Act, imprisonment which may extend to 3 years and with fine which may extend to Rs. 10,000/-.</p> <p>Case is to be launched in the court u/s 28 of the Act</p>
<p>3. Unregistered centres. It includes all such centres where any portable equipment capable of detecting sex before or after conception is used. The owner of such equipment may be having a registered facility somewhere else.</p>	<p>Section 3</p>	<p>Any such equipment has to be sealed and seized by the Appropriate Authority concerned. He/She may</p> <ul style="list-style-type: none"> • Launch the case in the court u/s 28 of the Act. • Register such centre after receiving 5 times the registration fee as penalty and after taking a undertaking as per the PNDD Rules- Rule 11(2).
<p>4. Irregularities in registered centre</p> <p>i) Owner/employee conducting the ultrasonography not qualified.</p> <p>ii) More ultra sound machines/equipments where as less number register.</p> <p>iii) Minor deficiency in record Keeping.</p>	<p>Section 3(2) and Rule 3(b).</p> <p>Under Rule 4.6 and as per Form 'A'. Sr. No. 8</p> <p>Under rule 9.</p>	<p>The Appropriate Authority or person authorized thereupon may:</p> <ul style="list-style-type: none"> • Issue show cause notice u/s 20(1)(2) of the Act and with the endorsement of the Advisory Committee, may suspend (for a reasonable period) or cancel the registration, as per the magnitude of the violation. • May take Suo Moto action u/s 20(3) and suspend the registration without issuing show cause notice. <p>Note:</p>

		<ol style="list-style-type: none"> 1. During the period of suspension of registration, the equipment needs to be sealed and signed and kept with the owner. 1. After cancellation of the registration, the equipment has to be sealed and seized. 2. Any body aggrieved by the above decision may appeal to the higher-level Appropriate Authority within 30 days of the action. The appeal shall be disposed of by the higher authority within 60 days of its receipt.
5. Record Keeping Irregularities in record keeping as per revised form 'F' are a major offence.	Section 4, 29 and Rule-9.	Contravention (a major offence) of provision of section 5 and 6 of the Act and punishable U/s 23(1) of the PNMT Act.
6. Sex Selection	Section 3A. 4(5). 6 read with section 2(0)	Violation of section 5 and 6 of the Act and punishable u/s 23 of the Act.

Note:-

1. All offences under the Act are cognizable, non-bailable and non-compoundable (Section 27).
2. Even a case has been registered by the police, no court shall take cognizance except the complaint has been filed by the AA or by the person/group who had served a legal notice of 15 days to the AA already (section 28).
3. Action u/s 20 and filing of criminal complaint u/s 28 can go simultaneously (section 20).