



## Pre-Conception and Pre-natal Diagnostic Techniques (PCPNDT)

- The Supreme Court, dismissing a writ petition filed by Federation of Obstetrics and Gynecological Societies of India (FOGSI), upheld the constitutional validity of **Section 23** of the **PCPNDT Act, 1994**.
  - **Section 23** of the Act, provides for penalties for anomalies in paperwork/record keeping/clerical errors regarding the provisions of the Act.
- It was aggrieved in the writ petition that Section 23, what they term as '**clerical errors**', is treated on the same footing as the actual offence of sex determination.
- SC in its judgement opined that:
  - Non-maintenance of records is not merely a technical or procedural lapse in the context of sex determination, it is the most significant piece of evidence for identifying the accused.
  - Any dilution of the provisions of the Act or the rules would only defeat the purpose of the Act to prevent female foeticide, and relegate the right to life of a girl child under **Article 21** of the Constitution, to a mere formality.
  - If a detailed record is not maintained then the violations can never be detected. It will defeat the purpose of the whole act.

### Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT) Act

- The act was enacted in 1994 and amended in 2003 and is an important tool for addressing sex-selective eliminations.
- **Objectives:** The main purpose of enacting the act is to ban the use of sex selection techniques before or after conception and prevent the misuse of a prenatal diagnostic technique for sex-selective abortion.

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