



Mains Practice Question

Q. What are the issues with Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994? Elaborate and suggest measures to tackle them. (150 words)

30 May, 2023 GS Paper 2 Social Justice

Approach:

- Start your answer by introducing PCPNDT Act.
- In the body section, mention the issues of the act and suggest measures to tackle it.
- Conclude with a positive note.

Introduction:

The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994 was brought **to address the issue of female foeticide and improving the declining sex ratio in the country.**

The Act **prohibits the use of prenatal sex determination** techniques and regulates the use of prenatal diagnostic techniques for legitimate medical purposes. However, over the years, certain issues have been identified with the implementation of the Act, which need to be addressed for its effective functioning.

Body:

Issues with the PCPNDT Act, 1994:

- **Police involvement:**
 - Act discourages police involvement in raids and seizures as far as possible but it has its practical limitations.
- **Powers of investigation and arrest:**
 - The Act grants powers to the Appropriate Authority to investigate and conduct raids, but it does not provide them with the power of arrest.
 - This poses a **challenge in enforcing the Act effectively** since the offences under the Act have been made cognizable, enabling the police to make arrests.
- **Low rate of conviction:**
 - One of the significant concerns is the low rate of conviction under the PCPNDT Act. This indicates a failure of the justice system to effectively prosecute offenders and deter the practice of sex-selective abortion.

Suggested measures to tackle the issues:

- **Enhanced police training and coordination:**
 - To address the practicality of police involvement, it is essential to provide **specialized training to police personnel** on the provisions of the PCPNDT Act and the appropriate procedures to be followed during raids and seizures.
 - Additionally, there should be **improved coordination between the Appropriate Authorities and the police** to ensure smooth implementation of the Act.

- **Empowering the Appropriate Authority:**
 - Granting the Appropriate Authority the **power of arrest, in line with the cognizable nature of the offences** under the Act, would **enhance their ability to take prompt action** against offenders.
 - This would strengthen the enforcement mechanism and create a deterrent effect.
- **Strengthening investigation and prosecution:**
 - Efforts should be made to improve the quality of investigations and prosecution. Adequate resources, including **trained investigators, forensic facilities, and legal support, should be provided** to ensure thorough and efficient handling of cases related to violations of the PCPNDT Act.
- **Awareness and sensitization campaigns:**
 - Promoting awareness about the PCPNDT Act and its provisions among the general public, healthcare professionals, and stakeholders is crucial.
 - **Conducting sensitization programs can help change societal attitudes** towards gender discrimination and highlight the importance of gender equality.

Conclusion:

The PCPNDT Act, 1994 plays a vital role in addressing the issue of sex-selective abortion and promoting gender equality. However, certain issues with its implementation need to be tackled for more effective enforcement.

By addressing the practicality of police involvement, clarifying powers of investigation and arrest, improving the conviction rate, and raising awareness, it is possible to strengthen the implementation of the Act and create a more conducive environment for the protection of the girl child and the prevention of gender-based discrimination.

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