



सत्यमेव जयते

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## EXTRAORDINARY

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#### PART - V

##### **Bills introduced in the Gujarat Legislative Assembly.**

The following Bill Which was introduced on the 25<sup>th</sup> February, 2016 by Dr. Nimaben Acharya, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly rules for general information

## **THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) (GUJARAT AMENDMENT) BILL, 2016.**

### ***A BILL***

*Further to amend the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) in its application to the State of Gujarat.*

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (Gujarat Amendment) Bill, 2016.

*Short title and commencement.*

- (2) It shall come into force at once.

*Amendment  
of Section 22  
of 57 of 1994.*

2. In the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, (here in after refer to as "the said Act"), 1994 in Section 22, in sub-section (3), for the words "three years", the words "four years", and for the words "ten thousand rupees", the words "fifteen thousand rupees" shall be substituted.

*Amendment  
of Section 23  
of 57 of 1994.*

3. In the said Act, in section 23, -

(i) in sub-section (1), for the words "three years", the words "four years", for the words "ten thousand rupees", the words "fifteen thousand rupees" and for the words "five years", the words "six years" shall be substituted.

(ii) in sub-section (3), for the words "three years", the words "four years", for the words "fifty thousand rupees", the words "sixty thousand rupees" and for the words "five years", the words "six years" shall be substituted.

*Amendment  
of Section 25  
of 57 of 1994.*

4. In the said Act, in Section 25, for the words, "three months", the words "six months", for the words "one thousand rupees", the words "five thousand rupees" and for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 is enacted for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide and for matter.

Sections 22, 23, and 25 provide for quantum of punishment and fine for the breach of the provisions of the Act. Section 23 provides for punishment for contravention in case of medical professionals and persons connected with the laboratory or clinics.

The quantum of punishment and the amount of fine at present seems inadequate and requires to be enhanced to certain extent to enhance the punishment as well as

25 of the aforesaid Act.

Hence, this Bill.

**Gandhinagar**  
**Dated the 1<sup>st</sup> February, 2016**

**DR. NIMABEN ACHARYA**  
**M.L.A.**

**Gandhinagar**  
**Dated the 25<sup>th</sup> February, 2016.**

**D. M. PATEL**  
**Secretary,**  
**Gujarat Legislative Assembly.**

## Annexure

### Extract

Extract from the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994:-

**Section 22:** (1) No person, organisation, Genetic Conselling Centre, Genetic Laboratory or Genetic Clinic shall issue or cause to be issued any advertisement in any manner regarding facilities of pre-natal determination of sex available at such Centre, Laboratory, Clinic or any other place.

(2) No person or organization shall publish or distribute or cause to be published or distributed any advertisement in any manner regarding facilities of pre-natal determination of sex available at any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

Explanation:- For the purposes of this section, "advertisement" includes any notice, circular, label wrapper or other document and also includes any visible representation made by means of any light, sound, smoke or gas.

**Section 23:** (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 contravene any of the provisions of this Act or rules made thereunder shall be punishable with imprisonment for a terms which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

(2) The name of the registered medical practitioner who has been convicted by the court under sub-section (1) shall be reported by the Appropriate Authority to the respective State

Medical Council for taking necessary act on including the removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

(3) Any person who seeks the aid of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic or of a medical geneticist gynaecologist or registered medical practitioner for conducting pre-natal diagnostic techniques on any pregnant woman (including such woman unless she was compelled to undergo such diagnostic techniques) for purposes other than those specified in clause (2) of section 4 shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

**Section 25:** Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with

~~CONVICTION FOR THE FIRST SUCH CONTRAVENTION.~~

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