

**MINISTRY OF HEALTH AND FAMILY WELFARE**

**(Department of Health and Family Welfare)**

**NOTIFICATION**

New Delhi, the 24th February, 2014

**G.S.R. 119(E).**—In exercise of the powers conferred by section 32 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (57 of 1994), the Central Government hereby makes the following rules further to amend the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996, namely :—

(1) These rules may be called the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Rules, 2014.

(2) They shall come into force on the date of their publication in the Official Gazette.

1. In the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996, after rule 18, the following rule shall be inserted, namely:—

**18-A Code of Conduct to be observed by Appropriate Authorities.**— (1) *All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following general code of conduct, namely:-*

- (i) maintain dignity, and integrity at all times;
- (ii) observe and implement the provisions of the Act and Rules in a balanced and standardised manner in the course of their work;
- (iii) conduct their work in a just manner without any bias or a perceived presumption of guilt;

- (iv) refrain from making any comments which demean individuals on the basis of gender, race, religion ;
- (v) delegate his or her powers by administrative order to any authorised officer in his or her absence and preserve the order of authorisation as documentary proof for further action.

**(2) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following Conduct for Advisory Committees, namely:—**

- (i) ensure that the re-constitution, functions and other relevant matters related to advisory committee shall be in accordance with the provisions of the **Advisory Committee Rules, 1996**;
- (ii) ensure that a person who is the part of investigating machinery in cases under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (57 of 1994), shall not be nominated or appointed as a member of the Advisory Committee ;
- (iii) ensure that the process of filling up of vacancies in Advisory Committee shall start at least ninety days before the probable date of the occurrence of vacancy;
- (iv) ensure that no person shall participate as a member or a legal expert of the Advisory Committee if he or she has conflict of interest;
- (v) conduct frequent meetings of the Advisory Committee to expedite the decisions regarding renewal, cancellation and suspension of registration.

**(3) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following conduct for processing of complaint and investigation, namely:—**

- (i) maintain appropriate diaries in support of registration of each of the complaint or case under the Act ;
- (ii) attend to all complaints and maintain transparency in the follow-up action of the complaints;
- (iii) investigate all the complaints within twenty four hours of receipt of the complaint and complete the investigation within forty-eight hours of receipt of such complaint;
- (iv) as far as possible, not involve police for investigating cases under the Act as the cases under the Act are tried as complaint cases under the Code of Criminal Procedure, 1973 (2 of 1974).

**(4) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following conduct for registration and renewal of applications under the Act, namely:—**

- (i) dispose of the application for renewal and new registration within a period of seventy days from the date of receipt of application;
- (ii) ensure that no application for fresh registration or renewal is accepted if any case is pending in any court against the applicant.

**(5) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following conduct for Legal Action, namely:—**

- (i) ensure that protection and expenses of witness shall be met from the registration amount collected ;
- (ii) ensure that all the notifications of the Government be produced in original in the court and a copy of the same be preserved ;
- (iii) ensure that while filing the cases, all the papers, records, statements, evidence, panchnama and other material objects attached to the case file shall be in original;
- (iv) suspend the certificate of registration in the course of taking legal action of seizure and sealing of the facility;
- (v) ensure that there shall be no violation of the provisions of the Medical Termination Pregnancy Act, 1971 (34 of 1971) and the Rules made there-under while implementing the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996;
- (vi) take immediate action for filing appeal, revision or other proceeding in higher courts in case of order of acquittal within a period of thirty days but not later than fifteen days of receipt of the order of acquittal.

**(6) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall submit** quarterly progress report to the Government of India through State Government and maintain Form H for keeping the information of all the registrations made readily available.

**(7) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following regulation of ultrasound equipments, namely:—**

- (i) monitor the sales and import of ultrasound machines including portable or buyback, assembled, gift, scrap or demo;
- (ii) ensue regular quarterly reports from ultrasound manufacturers, dealers, wholesalers and retailers and any person dealing with the sales of ultrasound machines at the State level;

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- (iii) conduct periodical survey and audit of all the ultrasound machines sold and operating in the State or district to identify the unregistered machines;
- (iv) file complaint against any owner of the unregistered ultrasound machine and against the seller of the unregistered ultrasound machine.

**(8) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following conduct for inspection and monitoring, namely:—**

- (i) conduct regular inspection of all the registered facilities once in every ninety days and shall preserve the inspection report as documentary evidence and a copy of the same be handed over to the owner of facility inspected and obtain acknowledgement in respect of the inspection;
- (ii) place all the inspection reports once in three months before the Advisory Committee for follow up action;
- (iii) maintain bimonthly progress report containing number of cases filed and persons convicted, registration made, suspended or cancelled, medical licenses cancelled, suspended, inspections conducted, Advisory Committee meetings held at the district level and quarterly progress report at the State level;
- (iv) (a) procure the copy of the charges framed within seven days and in the case of doctors, the details of the charges framed shall be submitted within seven days of the receipt of copy of charges framed to the State Medical Council;
- (b) procure the certified copy of the order of conviction as soon as possible and in the case of conviction of the doctors, the certified copy of the order of conviction shall be submitted within seven days of the receipt of copy of the order of conviction.

**(9) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall observe the following conduct for accountability, namely:—**

- (i) obtain prior sanction or approval of the Government of India for any resolution concerning the implementation of the provisions of the Act ;
- (ii) take action, if any, required under the Act and immediately on receipt of notice under clause (b) of sub-section (1) of section 28 of the Act and if he or she fails to do so, shall not be entitled for the protection under section 31 of the said Act and defend the case in his or her own capacity and at his or her own cost.

**(10) All the Appropriate Authorities including the State, District and Sub-district notified under the Act, inter-alia, shall follow the following financial guidance, namely:—**

- (i) maintain a separate and independent bank account operated by two officers jointly, at all levels ;
- (ii) ensure transparency and adherence to standard Government financial norms for disbursement of money.

[F. No. V. 11011/8/2013-PNDT]  
Dr. RAKESH KUMAR, Jt. Secy.

**Note :** The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i), vide G.S.R 1(E), dated the 1st January, 1996 and amended, by notification No. G.S.R. 109(E), dated the 14th February, 2003; G.S.R. 426(E), dated the 31st May, 2011; G.S.R. 80(E), dated the 7th February, 2012; G.S.R. 418(E), dated the 4th June, 2012; G.S.R. 13(E), dated the 9th January, 2014 and G.S.R. 77(E) dated 31st January, 2014.