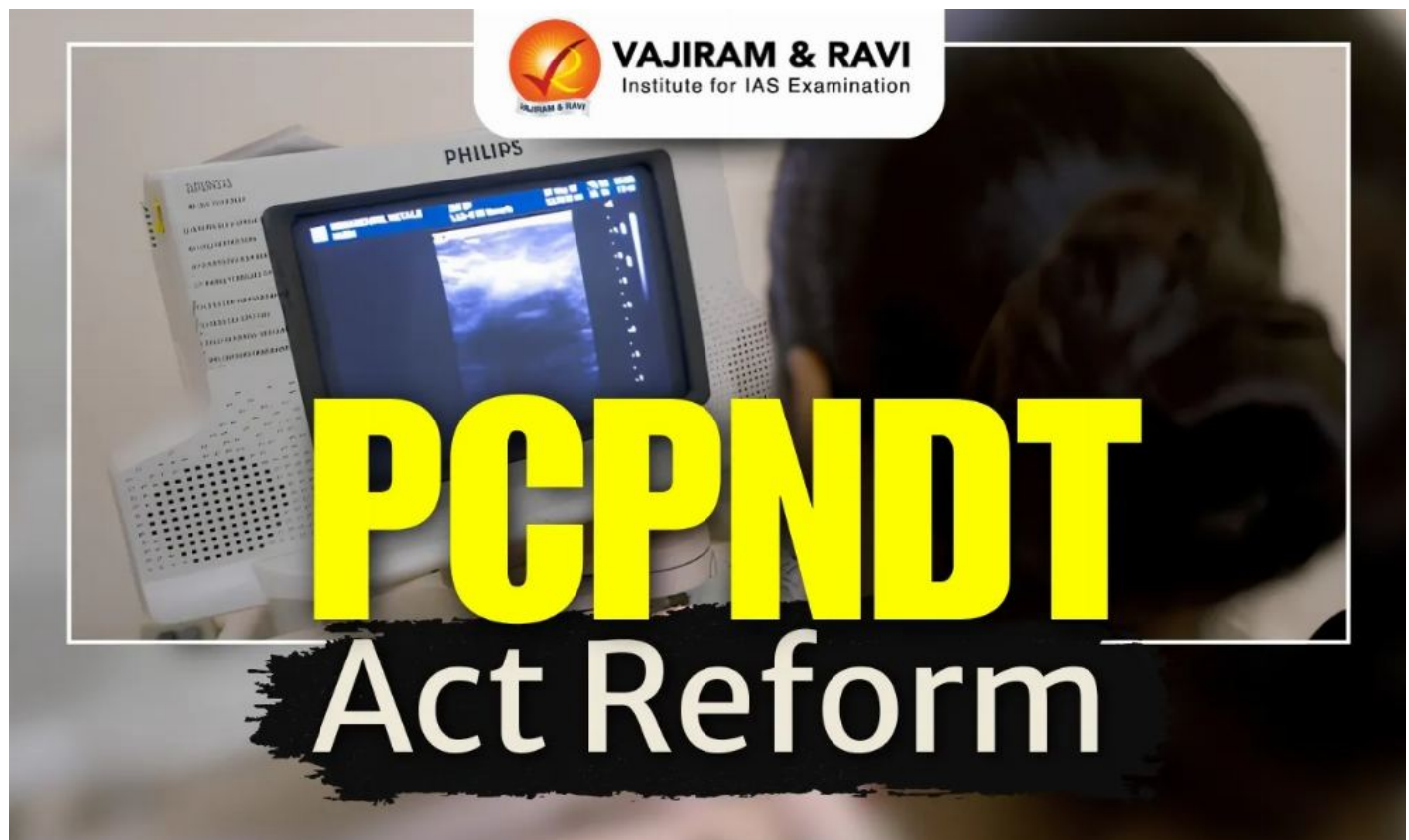


PCPNDT Act Reform: Balancing Gender Justice with Diagnostic Access

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PCPNDT Act Reform Latest News

- A 45-year-old woman in rural Assam noticed a breast lump but refused to travel two hours to a cancer hospital.
- By the time she finally went, she had advanced breast cancer. She died six months later. A portable ultrasound at a community health camp could have given her a timely diagnosis.
- But under India's current law, using an ultrasound machine outside a registered facility is a **criminal offence** — carrying a minimum three months' non-bailable imprisonment.

The PCPNDT Act: Origin and Purpose

- The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act was enacted in 1994 to address a serious demographic and ethical crisis — the sharp decline in India's child sex ratio.

- This decline was driven by the misuse of ultrasonography for prenatal sex determination followed by selective abortion of female fetuses.
- The problem had become acute from the 1980s as imaging technology became more accessible.
- The Act was thus not merely a medical regulation — it was a response to deep-rooted gender discrimination.

Key Provisions of the Act

- All genetic clinics, ultrasound centres, and laboratories must be **registered** with district authorities.
- Sex of the foetus **cannot be communicated** or disclosed under any circumstances.
- Purchasing an ultrasound machine without prior registration of the facility is illegal.
- Manufacturers must verify buyer credentials and obtain a written undertaking that the machine will not be used for sex determination.
- Once installed, the machine must remain at the approved location permanently.
- Strict patient-level documentation is mandatory for every scan.

Impact of the Act: Achievements and Unintended Consequences

- Following the Act, India's sex ratio at birth has shown **gradual improvement** at the national level.
- The law established a critical regulatory framework signalling societal and state commitment against female foeticide.

Unintended Adverse Effects

- Families with a firstborn girl — unable to use sex selection — tended to have more children to achieve a son.
- This resulted in a **25% higher child mortality rate** among firstborn girls compared to firstborn boys, likely due to reduced parental investment in girls' health.
- **Fertility increased** in these families, diluting resources per child and widening gender disparities in education and healthcare.

Continued Illegal Practices

- Despite three decades of legal prohibition, sex-selective practices persist.
- In October 2025, authorities uncovered an organised illegal racket in Karnataka conducting prenatal sex determination using portable ultrasound devices through informal providers and covert networks.
- The problem is not confined to India — reports from the United Kingdom suggest son preference persists among some Indian-origin diaspora communities even in settings with stricter oversight.
- This underscores a fundamental limitation: laws alone cannot drive social change where gender bias is deeply rooted.

The Case for Reform: Technology Has Moved Ahead of the Law

- Modern portable, handheld ultrasound devices — often connected to smartphones or tablets — make it technically feasible to bring diagnostic services directly to patients' homes and communities.

- This is particularly critical for early cancer detection in underserved rural areas where nearly 70% of India's population resides and access to specialist radiologists is severely limited.
- Currently, using such devices at the community level is **illegal** under the **PCPNDT Act**.
- High-frequency linear probes — used for detecting superficial conditions like breast cancer — are physically incapable of imaging a foetus for sex determination.
- Yet they are subject to the same blanket restrictions as conventional ultrasound machines. The law makes no such distinction.

Role of Artificial Intelligence

- Recent developments in AI-enabled ultrasound further strengthen the case for reform.
- AI systems can assist with **image acquisition and interpretation** — in some configurations generating automated diagnostic reports based on pattern recognition without requiring full image storage or display.
- This creates a pathway for purpose-specific, safeguarded use of ultrasound that substantially reduces misuse risk.
- A pilot study demonstrated that portable ultrasound scans performed by individuals with minimal training, combined with AI analysis, could identify suspicious breast lesions with high accuracy — correctly flagging all confirmed cancer cases.
- This means frontline health workers like ASHA workers or ANMs could potentially use AI-assisted ultrasound.

What Should Change: The Reform Agenda

- Technological shifts and India's high cancer burden together demand a regulatory update.
- Specifically, they recommend two changes to the PCPNDT Act.
- **First**, an amendment should legalise community-based ultrasound using **high-frequency linear probes** — since these probes cannot be used for foetal sex determination, their community use poses no threat to the Act's core purpose.
- **Second**, the Act should incorporate provisions addressing emerging technologies — including AI-enabled and technically safeguarded ultrasound imaging systems — designed to prevent foetal sex determination irrespective of intent.

Source: **TH**

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