

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) (Advisory Committees) Rules, 1996

Ministry of Health and Family Welfare (Department of Family Welfare) Notification No. G.S.R. 540(E), dated 26th November, 1996.—In exercise of the powers conferred by Section 32 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (57 of 1994)¹, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (Advisory Committees) Rules, 1996.

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

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) "Act" means the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (57 of 1994);

(b) "Advisory Committee" means an Advisory Committee constituted under sub-section (5) of Section 17 of the Act;

(c) "Chairman" means the Chairman of the Advisory Committee appointed under sub-section (5) of Section 17;

(d) "Principal rules" means the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Rules, 1996;

(e) "section" means a section of the Act;

(f) "words and expressions" used herein and not defined in these rules but defined in the Act or in the principal rules, as the case may be, shall have the meanings, respectively, assigned to them in the Act or in the principal rules.

3. Terms and conditions of appointment as a member of an Advisory Committee.—(1) No person shall be appointed as a member of an Advisory Committee if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government or the State Government, as the case may be, involves moral turpitude; or

(b) is an undischarged insolvent; or

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Pages 3-5.

1. Now see the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

- (c) is of unsound mind and stands so declared by a competent Court;
or
- (d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government or the State Government, as the case may be, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Advisory Committee; or
- (f) has, in the opinion of the Central Government or the State Government, as the case may be, been associated with the sue or promotion of prenatal diagnostic techniques for determination of sex.

(2) Every member of an Advisory Committee shall be a resident of the State or Union Territory, for which the Advisory Committee to which he is appointed as a member, has been constituted.

(3) A member of an Advisory Committee shall hold office during the pleasure of the Central Government or the State Government, as the case may be.

(4) Subject to the provisions of sub-rule (3), every such member shall hold office for a period not exceeding three years :

Provided that any person holding office as a member of an Advisory Committee immediately before the commencement of these rules shall hold such office only for the term of three years from the date of his appointment.

(5) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for re-appointment.

(6) A casual vacancy in an Advisory Committee caused by the resignation, death, transfer or removal of any member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for a period not exceeding the term of office of the member in whose place he is appointed.

(7) The Central Government or the State Government, as the case may be, may remove from office any member of an Advisory Committee before the expiration of his term of office.

(8) Every member of an Advisory Committee shall be entitled to draw travelling and daily allowances for journeys performed by him for attending the meetings (including a meeting adjourned for want of quorum), of the Advisory Committee or for the purpose of discharging any other duties prescribed under the Act, or under the Principal rules or under these rules, on the scale admissible to First Grade Officers of the Government of the State or of the Union Territory, as the case may be.

4. Meetings of the Advisory Committees.—The intervening period between any two meetings of an Advisory Committee shall not exceed sixty days.

5. Notice of meetings.—(1) At least seven clear days' notice of all meetings of the Advisory Committee shall be given to each member, but an urgent meeting may be called by the Chairman at three clear days' notice :

Provided that if the Chairman is not available, and a meeting is required to be held within the time limit prescribed in Rule 4, the Appropriate Authority may call a meeting with seven clear days' notice after consultation with not less than four of the members of the Advisory Committee.

(2) The notice shall state the business to be transacted at the meeting and no business other than that stated shall be transacted at such meeting except with the consent of the Chairman or on his motion.

6. Business ordinarily to be transacted at meetings.—The business of the Advisory Committee shall ordinarily be transacted at a meeting duly called in accordance with the provisions of these rules :

Provided that the Chairman may, if he thinks fit, circulate any urgent matter among the members of the Advisory Committee for their opinion.

7. Quorum.—At every meeting of the Advisory Committee, four members shall form a quorum.

8. Chairman of the meeting.—Meetings of the Advisory Committee shall be presided over by the Chairman or in his absence, or if no Chairman has been appointed, by a member elected by the members present from among themselves.

9. Assistance to be rendered by the Appropriate Authority to the Advisory Committee.—(1) Every meeting of the Advisory Committee shall be attended by the Appropriate Authority concerned.

(2) All secretarial and other assistance to the Advisory Committee for the discharge of its functions shall be provided by the Appropriate Authority.

(3) The Appropriate Authority shall issue the notice of meeting, agenda, notes on agenda and the minutes of the meeting, in consultation with the Chairman, subject to the provisions of Rules 5, 6, 7 and 12.

10. Decisions on questions before the Advisory Committee.—(1) The advice tendered by the Advisory Committee shall be adopted, and in the event of any difference of opinion amongst the members, the matter shall be put to vote and decided by a simple majority of the members present.

(2) The Appropriate Authority shall not have a right to vote.

(3) In the event of tie in votes, the Chairman or in his absence, the member presiding shall have a second or casting vote.

(4) The fact of any question having been decided by the process of voting instead of by adoption, shall be recorded in the minutes of that meeting of the Advisory Committee.

11. Vacancies etc. not to invalidate proceedings of the Advisory Committees.—No meeting or proceeding of the Advisory Committee shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of the Advisory Committee; or
- (b) any defect in the appointment of a person to be a member of the Advisory Committee; or

(c) any irregularity in the procedure adopted by the Advisory Committee not affecting the merits of the case.

12. Record of proceedings of the Advisory Committee.—One set of the agenda, notes on agenda, supporting documents and minutes of every meeting of the Advisory Committee shall be authenticated by the signature of the Chairman or in his absence by the signature of the member presiding, and preserved by the Appropriate Authority as permanent records.