

## MANTENANCE AND PERSERVATION OF RECORDS

The Act and the Rules also deal elaborately with the maintenance and preservation of records. Maintenance of proper records has a dual advantage.

- From the point of view of the center or clinic or laboratory, if there is any complaint against them, through the records they can prove that their action was in accordance with the law and the rules.
- From the point of view of the implementing authorities, while non-maintenance of proper records can itself give rise to a cause of action, the fact proper records have not been maintained or that for certain cases no records have been maintained can be indicative of the fact that the center or the clinic or the laboratory is conducting *pre-natal diagnostic techniques* for the purpose of determination of the sex of the foetus or in violation of the Act.

Every *Genetic Counselling Centre, Genetic Clinic or Genetic Laboratory, Ultrasound Clinic and Imaging Centre* is required to maintain certain records:

Register showing in serial order

- Names and address of men or women given genetic Counselling and/or subjected to pre-natal diagnostic procedure or test;
- Names of their spouses or fathers
- Date on which they first reported for such counselling, procedure or test. Rule 9(1) under the Rules.

Further;

- A record by every Genetic Counselling Centre of each woman counselled is to be as specified in FORM D under the Rules. Rule 9(2) under the Rules.
- Record by every Genetic Laboratory of each man or woman subjected to pre-natal diagnostic test is to be as specified in FORM E under the Rules; Rule 9(3) under the Rules.

- Record by every Genetic Clinic of each man or woman subjected to pre-natal diagnostic procedure is to be as specified in FORM F under the Rules, Rule 9(4) under the Rules.

The other kinds of records include:

- Case records
- Forms of consent
- Laboratory results
- Microscopic pictures
- Sonographic plates or sliders
- Recommendations and letters

A person conducting ultrasonography on a pregnant woman shall keep complete record thereof in the clinic in such manner as may be prescribed and if any deficiency or accuracy is found in the same that would be treated as a contravention of provisions of section 5 or section 6 unless contrary is proved by the person conducting the ultrasonography. Proviso to Section 4(3) of the Act.

Moreover every *Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic, Ultrasound Clinic and Imaging Centre* shall send a complete report in respect of all pre-conception or pregnancy related procedures/techniques/tests conducted by them in respect of each month by 5<sup>th</sup> day of the following month to the concerned Appropriate Authority. Rule 9(8) under the amended PNDT Rules.

These records are required to be maintained for a period of 2 years Section 29(1) of the Act from the date of completion of counselling, *pre-natal diagnostic procedure or pre-natal diagnostic test or pre-natal diagnostic test* or in the event of any legal proceeding, till the final disposal of the legal proceeding. Proviso to Section 29(1) of the Act read with Rule 6 under the Rules.

In case the records are maintained on computer or other electronic equipment, a printed copy of the record is required to be taken and preserved after authentication by a person responsible for such record. Rule 9(7) under the Rules.

Records, at all reasonable times are to be made available for inspection to Appropriate Authority or person authorized by the Appropriate Authority in this behalf. Section 29(2) of the Act.

The Appropriate Authority is to maintain a permanent record of

- Applications for grant of certificate of registration
- Applications for renewal of certificate of registration as specified in Form H under the Rules,
- Letters of intimation of every change of employee, place, address and equipment installed. Rule 9(5) under the Rules.