

	THE ASSISTED REPRODUCTIVE TECHNOLOGY (REGULATION) BILL, 2017	
	A BILL	
	to establish the National Board, the State Boards and the National Registry for the Regulation and Supervision of assisted reproductive technology clinics and the assisted reproductive technology banks, for prevention of misuse and for safe and ethical practice of assisted reproductive technology services and for matters connected therewith or incidental thereto.	
	BE it enacted by the Parliament in the Seventy First year of the Republic of India as follows:-	
	CHAPTER I PRELIMINARY	
	1. (1) This Act may be called the Assisted Reproductive Technology (Regulation) Act, 2017 .	Short title, extent and commencement.
	(2) It extends to the whole of India.	
	(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint;	
	2. In this Act, unless the context otherwise requires, –	Definitions.
	(a) “appointed day” means the date with effect from which the National Board is established under sub-section (1) of section 3;	
	(b) “artificial insemination” means the procedure of artificially transferring semen into the reproductive system of a woman and includes insemination with the husband’s semen or with the donor’s semen;	
	(c) “assisted reproductive technology” with its grammatical variations and cognate expressions, means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive tract of a woman;	
	(d) “assisted reproductive technology bank” means an organisation that is set up to supply sperm or semen, oocytes or oocyte donors to the assisted reproductive	

	technology clinics or their patients;	
	(e) “assisted reproductive technology clinic” means any premises equipped with requisite facilities and medical practitioners registered with Medical Council of India for carrying out the procedures related to the assisted reproductive technology;	
	(f) “biological parents” means the genetic parents and the expression “genetic parents” means the couple who contribute their own gametes <i>in producing their own children using</i> any of the procedures related to the assisted reproductive technology;	
	(g) “child” means any individual born through the use of the assisted reproductive technology;	
	(h) “commissioning couple” means an infertile couple who approach an assisted reproductive technology clinic or assisted reproductive technology bank for obtaining services that the assisted reproductive technology clinic or the assisted reproductive technology bank is authorised to provide;	
	(i) “couple” means a relationship between a man above the age of 21 years and a woman above the age of 18 years who are married or are in live-in relationship	
	(j) “cryo-preservation” means the freezing and storing of gametes, zygotes and embryos;	
	(k) “egg”, means the female gamete	
	(l) “embryo”, means a developing or developed organism after fertilisation till the end of fifty-six days from the day of fertilisation;	
	(m) “fertilisation”, means the penetration of the ovum by the spermatozoon and fusion of genetic materials resulting in the development of a zygote;	
	(n) “foetus”, means a human organism during the period of its development beginning on the fifty-seventh day following fertilization and ending at birth or abortion;	
	(o) “gamete”, means sperm and oocyte ;	
	(p) “gamete donor”, means a person who provides sperm or oocyte with the objective of enabling an infertile couple to have a child;	
	(q) gynecologist” shall have the same meaning as	

	defined by the Medical Council of India guidelines	
	(r) “implantation”, means the attachment and subsequent penetration by the blastocyst;	
	(s) “infertility”, means the inability to conceive after one year of unprotected coitus or other proven medical condition preventing a couple from conception;	
	(t)“insurance” means an arrangement by which a company, individual or couple undertake to provide a guarantee of compensation for specified loss, damage, complication or death of oocyte donor during the process of oocyte retrieval;	
	(u) “Member” means a Member of a National assisted reproductive technology Board or State assisted reproductive technology Board, as the case may be, and includes its Chairperson and Vice Chairperson ;	
	(v) “National Board” means the National Advisory Board for assisted reproductive technology established under sub-section (1) of section 3;	
	(w) “National Registry” of assisted reproductive technology clinics and banks in India-to be established under the National Board to act as registration authority, central data base of the assisted reproductive technology clinics and banks in India and assist the National Board in supervision and regulation of the assisted reproductive technology clinics and banks and in undertaking research, training and policy making in the area of assisted reproduction in the country;	
	(x) “notification” means a notification published in the Official Gazette	
	(y) “oocyte” means naturally ovulating oocyte in the female genetic tract;	
	(z) “oocyte retrieval” ,a procedure of removal of oocytes from the ovaries of a woman	
	(za) “patients” means an individual or couple who comes to any registered assisted reproductive technology clinic for management of infertility;	
	(zb) “Pre-implantation Genetic Testing” is a technique used to identify genetic defects in embryos created through in vitro fertilization (IVF) before pregnancy. Preimplantation genetic diagnosis (PGD) refers specifically to when one or both genetic parents has a known genetic abnormality and testing is performed on an embryo to determine if it also carries a genetic abnormality. In contrast, preimplantation genetic	

	screening (PGS) refers to techniques where embryos from presumed chromosomally normal genetic parents are screened for aneuploidy.	
	(zc) “prescribed” means prescribed by rules made under this Act;	
	(zd) “regulations” means the regulations made under this Act;	
	(ze) “sperm” means the mature male gamete	
	(zf) “State Board” means the State Advisory Board for assisted reproductive technology established under sub-section (1) of section 19;	
	(zg) “zygote” means the fertilized oocyte prior to the first cell division.	
	CHAPTER II AUTHORITIES TO REGULATE ASSISTED REPRODUCTIVE TECHNOLOGY	
	3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a National Board to be called the National Board for assisted reproductive technology.	Establishment of National Board.
	(2) The head office of the National Board shall be at New Delhi or at such other place as the Central Government may specify.	
	(3) The National Board may, by notification, establish its offices/office in any other State in India with the prior approval of the Central Government.	
	4. (1) The National Board shall consist of a Chairperson and three whole time Members and not more than 21 part time Members who shall be appointed by the Central Government	Composition and Qualification for appointment for Chairperson and other members of National Board.
	(2) The National Board shall consist of the following Members, namely:—	
	(3) The Chairperson and other whole time Members of the National Board shall be appointed by the Central Government from amongst Medical persons who have specialised knowledge of, and professional experience in field of assisted reproductive technology. However one of the whole time	

	member will be from legal background	
	Provided that a person to be eligible for these posts should have served the Government and held a post equivalent to Secretary or with not less than 2 years of service as Additional Secretary or with not less than 9 years of service as Joint Secretary of the Central Government or the State Government	
	(4) Part time members (i) to (iv) one representative each from the Department of Health Research, Department of Health and Family Welfare, Ministry of External Affairs, and Ministry of Home Affairs of Central Government not below the rank of Joint Secretary	
	(v) and (vi) two nominees one each from Indian professional society concerned primarily with assisted reproduction and Obstetrics and Gynecology	
	(vii) a nominee of the National Commission for Woman	
	(viii) a nominee of the National Human Rights Commission	
	(ix) a nominee of the National Commission for Protection of Child Rights	
	(x) a nominee of the Medical Council of India	
	(xi) to (xx) other expert Members from the <i>following category</i> , not exceeding ten , having specialised knowledge in the field of assisted reproduction, gynecology, embryology, andrology, bioethics, , medical genetics, social science, law, public health, bio-medical sciences , human rights and representative from civil society working on women's health and child rights issues to be nominated by the Central Government	
	(xxi) the Head of the National Registry-Member Secretary	
	Provided that out of 21 part time Members, at least one third shall be women	
	5(1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.	Terms of office and other conditions of service of Chairperson and other Members.

	(2) The Chairperson and other Members shall hold office for a term not exceeding three years, as the Central Government may notify in this behalf, from the date on which they enter upon their offices or until they attain the age of seventy years, whichever is earlier.	
	(3) The employee of the Government on his selection as the Chairperson or whole-time member shall have to retire from service before joining as the Chairperson or a whole-time Member, as the case may be	
	[4] The salary and allowances payable to and the other terms and conditions of service of the Chairperson and whole time members shall be such as may be prescribed.	
	(5) The salary, allowances and other conditions of service of the Chairperson or of a Member shall not be varied to his disadvantage after appointment.	
	(6) The part-time members shall receive such allowances as may be prescribed.	

	(7) Notwithstanding anything contained in sub-section(2), a Chairperson or a Member may—	
	(a) relinquish his office by giving in writing to the Central Government notice of not less than ninety days; or	
	Provided that the Chairperson or the Member shall, unless permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of a period of ninety days from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is earlier.	
	(b) be removed from his office in accordance with the previous approval of the Central Government	
	(8) A vacancy caused to the office of the Chairperson or any other member shall be filled up within a period of ninety days from the date on which such vacancy occurs.	
	6.(1) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the National Board and National Registry and shall, preside over the meetings of the National Board, exercise and discharge such powers and functions of the National Board and shall discharge such other powers and function as may be prescribed.	

	(2) The Central Government may appoint one of the whole time Members to be a Vice-Chairperson of the National Board who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the National Board.	
	7. (1) The Central Government may remove from office Chairperson or any Member who—	
	(a) has been adjudged an insolvent; or	
	(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or	
	(c) has become physically or mentally incapable of performing duties	
	(d) has acquired such financial or other interest as is likely to affect prejudicially his functions	
	(e) has so abused his position as to render his continuance in office prejudicial to the public interest.	
	(2) Chairperson or member shall not be removed from his office under clause (d) or (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.	
	8. (1) The Board shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.	Meeting
	(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Board, Vice-Chairperson and in his absence, senior most whole time Member shall preside over the meeting.	
	(3) All issues which come up before any meeting of the Board shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes as per regulations	
	(4) The Board may make regulations for the transaction of business at its meetings.	
	9. The Chairperson and all other Members, shall immediately	Declaration

	after entering office and every year thereafter, make a declaration as to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any health or research centre relating to the assisted reproductive technology.	of interest.
	10. (1) The Chairperson and other whole time Members, on ceasing to hold office shall not, for a period of two years, accept any employment (including as consultant or otherwise) in any health or research centre relating to the assisted reproductive technology whose matter has been dealt with by such Chairperson or Member, as the case may be, or has been before the National Board when he held office as such Chairperson or Member.	Restriction of re-employment.
	(2) Nothing in sub-section (1) shall prevent the Chairperson or a whole time Member, as the case may be, to accept any employment in any health or research centre relating to the assisted reproductive technology controlled or maintained by the Central Government or the State Government.	
	11. Subject to the other provisions of this Act, the general superintendence, direction and control of the administration of the Board shall vest in the Chairperson of the National Board.	General superintendence, direction and management of affairs of National Board.
	12. No act or proceeding of the National Board shall be invalid merely by reason of—	Vacancies, etc., not to invalidate proceedings of National Board.
	(a) any vacancy in, or any defect in the constitution of, the National Board; or	
	(b) any defect in the appointment of a person as a Member of the National Board ; or	
	(c) any irregularity in the procedure of the National Board not affecting the merits of the case.	
5 of 1908.	13. (1) The National Board shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—	Procedure of National Board.
	(a) summoning and enforcing the attendance of any person and examining him on oath;	

1 of 1872.	(b) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office and production of such documents;	
	(c) receiving evidence on affidavits;	
	(d) issuing commissions for the examination of witnesses or documents;	
	(e) pass orders as deemed fit	
	(f) any other matter which may be prescribed;	
2 of 1974	(2) Every proceeding before the Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code and the Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.	
	14. The Board shall discharge the following functions, namely:—	Powers and functions of the National Board
	(a) to advise the Central Government on policy matters relating to Assisted reproductive technology;	
	(b) to review and monitor the implementation of the Act, rules and regulations made thereunder and recommend to the Central Government, changes therein;	
	(c) to lay down code of conduct to be observed by persons working at Assisted reproductive technology clinics; to set the minimum standards of physical infrastructure, laboratory and diagnostic equipment and expert manpower to be employed by assisted reproductive technology clinics and assisted reproductive technology banks;	
	(d) to oversee the performance of various bodies constituted under the Act and take appropriate steps to ensure their effective performance;	
	(e) to supervise the functioning of National Registry and liaison with the State Boards; and	
	(f) to act as Appellate Authority for the National Registry and State Board as per the section 36 of this Act	
	(g) to pass orders as per the provision made under this Act	
	(h) such other functions as may be prescribed.	
	15. With effect from such date as the Central Government may, by	Establishment

	notification, establish for the purposes of this Act, a National Registry to be called the National Registry of Assisted Reproductive Technology Clinics and Banks in India.	of National Registry.
	16. The National Registry referred to in section 15 shall consist of a Head of the Registry, Scientists at various levels, technical, administrative and supporting staff, as may be prescribed who shall be appointed by National Board on the recommendations of the Selection Committee which shall consist of such number of members as may be determined by the Central Government.	Composition of National Registry.
	17. The terms of office and other conditions of service of all employees of National Registry shall be such as may be prescribed.	Terms of Office and other conditions of service of officers and employees of National Registry.
	18. (1) The National Registry shall register all the assisted reproductive technology clinics and banks in India and issue an unique registration number to them using such form accompanied by such fees as may be prescribed.	Functions of National Registry
	(2)The National Registry shall act as a Central data- base in the country and through which details of all the assisted reproductive technology clinics and assisted reproductive technology banks of the country including nature and types of services provided by them, outcome of the services and other relevant information shall be obtained on regular basis.	
	(3) The National Registry may cancel the registration of any of the assisted reproductive technology clinics and banks in India, if the data obtained from them periodically do not satisfy the provisions of this Act and its rules prescribed by the National Board : Provided that before cancellation of registration an opportunity of the hearing shall be given to the respective assisted reproductive technology clinics and banks.	
	(4) The National Registry shall assist the National Board in its functioning by providing the data generated from the Central database of the Registry.	
	(5) The National Registry along with NABH shall assist all the State Boards in the country in accreditation, supervision and regulation of the assisted reproductive technology clinics and assisted reproductive technology banks in their respective States.	
	(6) The data generated from the National Registry shall be utilised by the National Board for making policies, guidelines and shall help in identifying new research areas and	

	conducting research in the area of assisted reproduction and other related fields in the country.	
	(7) The National registry shall have power to inspect any premises using assisted reproductive technology without prior intimation.	
	19. (1) Every State and Union Territory Government shall, within a period of one hundred and eighty days of the issue of the notification under sub-section (1) of section 3, by notification, establish a State Board for assisted reproductive technology to exercise the jurisdiction and powers and discharge the functions and duties conferred or imposed on the State Boards by or under this Act.	Establishment of State Board.
	20. (1) The State Board shall consist of a Chairperson and two whole time Members and not more than 11 part time Members who shall be appointed by the State Government	Composition and Qualification for appointment for chairperson and other members of State Board.
	(2) The State Board shall consist of the following Members, namely:—	
	(3) The chairperson and other whole time Members of the State Board shall be appointed by the State Government from amongst Medical persons who have specialised knowledge of, and professional experience in field of assisted reproductive technology	
	Provided that a person to be eligible for these posts should have served the government and held a post equivalent to Chief Secretary not less than 2 years or Special Secretary not less than 9 years from Central or State Government	
	(4) Part time members (i) to (ii) one representative each from the State Government- the Ministry of Health and Family Welfare and Ministry of Home Affairs of State Government not below the rank of Principal Secretary	
	(iii) and (iv) two nominees one from each of State professional society concerned primarily with assisted reproduction and Obstetrics and Gynecology	
	(v) a nominee of the State Human Rights Commission	
	(vi) a nominee of the State Medical Council—Member;	
	(vii) to (xi) other expert Members, <i>from the following</i>	

	<i>category</i> , not exceeding five , having specialised knowledge in the field of assisted reproduction, gynaecology, embryology, andrology, bioethics, medical genetics, social science, law, public health, bio-medical sciences and representative from civil society working on women's health and child rights issues to be nominated by the Central Government-	
	Provided that out of 11 Members, — at least one third of whom shall be women	
	21 (1) Before appointing any person as the Chairperson or member, the state Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.	Terms of office and other conditions of service of Chairperson and other Members.
	(2) The Chairperson and other members shall hold office for a term not exceeding three years, as the state Government may notify in this behalf, from the date on which they enter Upon their offices or until they attain the age of seventy years, whichever is earlier.	
	(3) The employee of the Government on his selection as the chairperson or whole-time member shall have to retire from service before joining as the Chairperson or a whole-time Member, as the case may be	
	(4) The salary and allowance payable to and the other terms and conditions of service of the Chairperson and whole-time members shall be such as may be prescribed.	
	(5) The salary, allowances and other conditions of service of the Chairperson or of a member shall not be varied to his disadvantage after appointment.	
	(6) The part-time members shall receive such allowances as may be prescribed.	

	(7) Notwithstanding anything contained in sub-section(2), chairperson or member may—	
	(a) relinquish his office by giving in writing to the state Government notice of not less than ninety days; or	
	Provided that the Chairperson or the Member shall, unless permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of a period of 3 months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is earlier.	

	(b) be removed from his office in accordance with the previous approval of the State Government	
	(8) A vacancy caused to the office of the Chairperson or any other member shall be filled up within a period of ninety days from the date on which such vacancy occurs.	
	22.(1) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the State Board and shall preside over the meetings of the State Board, exercise and discharge such powers and functions of the State Board and shall discharge such other powers and function as may be prescribed.	
	(2) The State Government may appoint one of the members to be a Vice-Chairperson of the State Board who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the State Board.	
	23. The State Government may remove from office any chairperson or member who—	
	(a) has been adjudged an insolvent; or	
	(b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or	
	(c) has become physically or mentally incapable of performing his duties	
	(d) has acquired such financial or other interest as is likely to affect prejudicially his functions	
	(e) has so abused his position as to render his continuance in office prejudicial to the public interest.	
	(2) No such member shall be removed from his office under clause (d) or (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.	

	24. (1) The State Board shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.	Meeting
	(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the State Board, Vice-Chairpersons and in his absence the whole time Member shall presided over the meeting.	
	(3) All issues which come up before any meeting of the State Board shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes	
	(4) The State Board may make regulations for the transaction of business at its meetings.	
	25. The Chairperson and all other Members, shall immediately after entering office and every year thereafter, make a declaration as to the extent of their interest, whether direct or indirect and whether financial or otherwise, in any health or research centre relating to the assisted reproductive technology.	Declaration of interest
	26. (1) The Chairperson and other whole time Members, on ceasing to hold office shall not, for a period of two years, accept any employment (including as consultant or otherwise) in any health or research centre relating to the assisted reproductive technology whose matter has been dealt with by such Chairperson or Member, as the case may be, or has been before the State Board when he held office as Chairperson or Member.	Restriction of re-employment.
	(2) Nothing in sub-section (1) shall prevent the Chairperson or a whole time Member, as the case may be, to accept any employment in any health or research centre relating to the assisted reproductive technology controlled or maintained by the Central Government or the State Government.	
	27. Subject to the other provisions of this Act, the general superintendence, direction and control of the administration of the state Board shall vest in the Chairperson of the State Board.	General superintendence, direction and management of affairs of State Board.
	28. No act or proceeding of the State Board shall be invalid	Vacancies,

	merely by reason of—	etc., not to invalidate proceedings of National Board.
	(a) any vacancy in, or any defect in the constitution of, the State Board; or	
	(b) any defect in the appointment of a person as a Member of the State Board ; or	
	(c) any irregularity in the procedure of the State Board not affecting the merits of the case.	
	29. (1) Subject to the provisions of this Act and the rules and regulations made thereunder, the State Board shall have the responsibility to follow the policies and plans laid by the National Board for assisted reproduction technology clinics and banks in the State.	Powers and functions of State Board
	(2) Without prejudice to the generality of the provisions contained in sub-section (1), the State Board, taking into account the recommendations, policies and regulations of the National Board, shall –	
	(a) receive the application, for registration with the National Registry, from Assisted reproductive technology clinics and assisted reproductive technology Banks and verify the same and thereafter forward to the National Registry with their recommendation or otherwise.	
	(b) co-ordinate the enforcement and implementation of the policies and guidelines for assisted reproduction;	
	(c) constitute advisory committees consisting of experts in the field of assisted reproduction and related fields at the State or District level, to make recommendations on different aspects of assisted reproduction;	
	(d) perform such other functions as may be prescribed under this Act.	
	(3) In the exercise of its functions under this Act, the State Board shall give such directions or pass such orders as directed by the National Board	
	CHAPTER III PROCEDURES FOR REGISTRATIONS	
	30. Any assisted reproductive technology clinic and assisted reproductive technology bank shall not practice any aspect of assisted reproductive technology, or use any premises for such purposes, without the valid registration of the National Registry of Assisted Reproductive	Registration of clinics and Banks.

	Technology Clinics and Banks in India	
	Provided also that the National Registry shall, for an initial period of 2 years of enactment of the Act within one hundred eighty days and thereafter ninety days from the date of such application upon verification, either issue the certificate of registration or reject the application under section 30.	
	31. (1) The existing assisted reproductive technology clinics and the assisted reproductive technology banks, as on the date of the enactment of the Act, conducting Assisted reproductive technology procedures partly or exclusively shall make an application to the National Registry through the State Board for the registration of the assisted reproductive clinic or assisted reproductive bank within such period and in such form, manner and such fee as may be prescribed within a period of sixty days from the date of appointment of the National Registry and the State Board	Application for registration.
	Provided that such clinics and banks shall cease to conduct any such counseling or procedures on the expiry of six months from date of commencement of this Act, unless such clinic has applied for registration and is so registered separately or till such application is disposed of whichever is earlier.	
	(2) No new assisted reproductive technology clinics and the assisted reproductive technology banks shall commence Assisted reproductive technology procedures without previous registration with the National Registry through the State Board	
	(3) Every application for registration by an assisted reproductive technology clinic or assisted reproductive technology bank under sub-section (1) and (2) shall contain the particulars of the applicant including all details of techniques and procedures of assisted reproductive technology practiced before enactment of this Act and to be practised after coming into force of this Act at such clinics or banks.	
	(4) Notwithstanding anything contained in this Act or any of the rules as may be prescribed or made there under, no assisted reproductive technology clinic and assisted reproductive technology bank performing any of the functions under sub-section (3) or any other advanced diagnostic, therapeutic shall practice any aspect of such diagnosis, therapy without a certificate of registration issued by National Registry of Assisted Reproductive Technology Clinics and Banks in India as may be prescribed.	
	32 (1) No application shall be rejected unless the applicant has been given an opportunity of being heard.	Grant of registration.

	(2) The National registry shall, within a period of one month of a registration being granted under this section, intimate such registration to the State Boards.	
	(3) The State Boards shall maintain a record of all registrations applied for and granted under this section.	
	(4) No registration shall be granted unless the State Board has inspected the premises of the applicant.	
	(5) The registration granted under this section shall be valid for a period of five years from the date of registration granted by the National registry.	
	33. The registration granted under section 32 may be renewed for a further period of five years by the National registry on an application made by the applicant, under such conditions, in such form and on payment of such fee as may be prescribed.	Renewal of registration.
	34. The National Board, National Registry and State Board shall have the power to inspect, any premises relating to assisted reproductive technology or call for any document or material in the discharge of its powers and functions.	Registration Authority and National Registry to inspect premises.
	35. (1) The National Registry may on receipt of a complaint, issue a notice to the Assisted Reproductive Clinic and Bank to show cause as to why its registration should not be suspended or cancelled for the reasons mentioned in the notice.	Cancellation or suspension of registration.
	(2) If after giving a reasonable opportunity of being heard to the Assisted Reproductive Clinic or Bank, the National Registry is satisfied that there has been a breach of the provision of the Act or the rules or regulations made there under, it may, without prejudice to any criminal action, suspend its registration for such period as it may think fit or cancel its registration	
	(3) A copy of the cancellation letter shall be sent to the respective State Board and accordingly the State Board shall cancel the registration of such Clinics and Banks.	

	<p>36.The Assisted Reproductive Clinic or Bank may, within a period of thirty days from the date of receipt of the communication relating to order of rejection of application, suspension or cancellation of registration passed by the National Registry under section 35, prefer an appeal to the National Board, in such manner as may be prescribed</p>	Appeal.
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	<p>CHAPTER IV DUTIES OF ASSISTED REPRODUCTIVE TECHNOLOGY CLINIC AND ASSISTED REPRODUCTIVE TECHNOLOGY BANK</p>	
	<p>37. (1) The assisted reproductive technology clinics and assisted reproductive technology banks shall ensure that Commissioning Couple and donors of gametes are eligible to avail of assisted reproductive technology procedures under the criteria specified by the rules under this Act</p>	General duties of assisted reproductive technology clinics and banks.
	<p>(2) The assisted reproductive technology clinics shall obtain donor gametes from the assisted reproductive technology banks that have ensured that the donor has been medically tested for such diseases as may be prescribed,</p>	
	<p>(3)The assisted reproductive technology clinics shall provide professional counselling to commissioning couple about all the implications and chances of success of assisted reproductive technology procedures in the clinic and shall also inform the commissioning couple of the advantages, disadvantages and cost of the procedures, their medical side effects, risks including the risk of multiple pregnancy, the possibility of adoption, and any such other matter as may help the couple arrive at a informed decision that would be most likely to be the best for the couple.</p>	
	<p>(4)The assisted reproductive technology clinics shall make couples, as the case may be, aware of the rights of a child born through the use of assisted reproductive technology.</p>	
	<p>(5)The assisted reproductive technology clinics and assisted reproductive technology banks shall ensure that information about the couple, donor is kept confidential and that information about assisted reproductive technology treatment shall not be disclosed to anyone other than a central database to be maintained by the National Registry except in a medical emergency at the request of the couple to whom the information relates, or by an order of a court of competent jurisdiction.</p>	

	(6)Every assisted reproductive technology clinic and assisted Reproductive Technology Banks shall maintain a grievance cell in respect of matters relating to such clinics and banks and the manner of making a complaint before such grievance cell shall be such as may be prescribed.	
	(7) (a)The assisted reproductive technology services shall not be available to a woman below the age of eighteen years and above the age of forty five years	
	(b) The assisted reproductive technology services shall not be available to a man below the age of twenty one years and above the age of fifty years.	
	(8)The assisted reproductive technology clinics shall issue to the commissioning couple a discharge certificate stating details of the assisted reproductive technology procedure performed on the couple	
	(9) The assisted reproductive technology banks registered under this Act shall be authorised for procuring or providing semen and oocyte donor	
	(10) All assisted reproductive technology clinics and assisted reproductive technology banks shall cooperate and make available their premises for physical inspection by the National Board and National Registry.	
	(11) All assisted reproductive technology clinics and assisted reproductive technology banks shall provide all information related to enrolment of the commissioning couple and gamete donors and the procedure being undertaken, outcome of the procedure, complication if any, to the National Registry periodically as may be prescribed.	
	38. (1)The assisted reproductive technology clinic shall not perform any treatment or procedure of assisted reproductive technology without the consent in writing of all the parties seeking assisted reproductive technology to all possible stages of such treatment or procedures	Written informed Consent
	(2) The assisted reproductive technology clinics and assisted reproductive technology banks shall not cryo preserve any human embryos and or gamete without specific instructions and consent in writing from all the parties seeking assisted reproductive technology in respect of what should be done with the gametes or embryos in case of death or incapacity of any of the parties.	
	(3) The assisted reproductive technology clinic shall not use any human reproductive material except in accordance with the provisions of this Act to create a human embryo or	

	use an <i>in vitro</i> human embryo for any purpose without the specific consent in writing of all the concerned persons to whom the assisted reproductive technology relates.	
	(4) Any of the commissioning couple may withdraw his/her consent under sub-section (1) of this Clause any time but before the human embryos or the gametes are transferred to the concerned woman's uterus.	
	39. (1) All assisted reproductive technology clinics and assisted reproductive technology banks shall maintain detailed records, in such manner as may be prescribed, of all donor oocytes, sperm or embryos used/unused, the manner and technique of their use, and the couple, in respect of whom it was used.	Duties of assisted reproductive technology clinics and banks to keep accurate records.
	(2) All assisted reproductive technology clinics and assisted reproductive technology banks shall, as and when the National Registry is established, submit online all information available with them in regard to progress of the commissioning couple, such as biochemical and clinical pregnancy and about number of donor(s) (sperm and oocyte), screened, maintained and supplied etc.to the National Registry within a month of the information becoming available, withholding the identity of the patient and gamete donor.	
	(3) The records maintained under sub-section (1) shall be maintained for at least a period of ten years, upon the expiry of which the assisted reproductive technology clinic and assisted reproductive technology bank shall transfer the records to a central database of the National Registry	
	Provided that, if any criminal or other proceedings are instituted against any assisted reproductive technology clinics or assisted reproductive technology banks, the records and all other documents of such assisted reproductive technology clinics and assisted reproductive technology banks shall be preserved till the final disposal of such proceedings.	
	(4) In the event of the closure of any assisted reproductive technology clinic and assisted reproductive technology bank before the expiry of the period of ten years under sub-section (3), the assisted reproductive technology clinic and assisted reproductive technology bank shall immediately transfer the records to a central database of the National Registry	
	(5) All such records shall, at all reasonable times, be made available for inspection to the National Board or National Registry or State Board to any other person authorised by the National Board in this behalf.	

	40. (1) The assisted reproductive technology clinics shall harvest oocytes in accordance with such regulations of the National Board.	Duties of assisted reproductive technology clinics using human gametes and embryos.
	(2) The number of oocytes or embryos that may be placed in a woman during any one treatment cycle shall be such as may be specified by the regulations made by the National Board.	
	(3) A woman shall not be treated with gametes or embryos derived from more than one man or woman during any one treatment cycle.	
	(4) An assisted reproductive technology clinic shall never mix semen from two individuals for the procedures specified under this Act.	
	(5) Embryo splitting shall not be used for twinning to increase the number of available embryos	
	(6) The collection of gametes posthumously shall be done only if prior consent of both the commissioning couple is available	
	(7) The assisted reproductive technology clinic shall not use ova that are derived from a foetus, in any process of in vitro fertilisation.	
	(8) Such other duties as may be prescribed	
	41. (1) The Pre-implantation Genetic testing shall be used only to screen the human embryo for known, pre-existing, heritable or genetic diseases or for such other purposes as may be prescribed.	Pre-implantation Genetic Diagnosis
	(2) Donation, with the approval of the commissioning couple, to an approved research laboratory for research purposes, of an embryo after Pre-implantation Genetic Diagnosis, shall be done only when the embryo suffers from pre-existing, heritable, life-threatening or genetic diseases.	
	(3) The National Board may lay down such other conditions as it deems fit in the interests of the Pre-implantation Genetic testing.	
	42. (1) The assisted reproductive technology clinic shall not offer to provide a couple with a child of a pre-determined sex.	Sex selection
	(2) It is prohibited for anyone to do any act, at any stage, to determine the sex of the child to be born through the process of assisted reproductive technology to separate, or yield fractions enriched in sperm of X or Y variations..	
	(3) A person shall not knowingly provide, prescribe or administer anything that shall ensure or increase the probability that an embryo shall be of a particular sex, or that	

	shall identify the sex of an in vitro embryo, except to diagnose, prevent or treat a sex-linked disorder or disease.	
	43. (1) The screening of gamete donors, the collection, screening and storage of semen; and provision of oocyte donor, shall be done by an assisted reproductive technology bank registered as an independent entity under the provisions of this Act.	Sourcing of gametes by Assisted Reproductive Banks
	(2) The assisted reproductive technology banks shall obtain semen from males between twenty one years of age and forty five years of age, both inclusive, and arrange to obtain oocytes from females between twenty three years of age and thirty five years of age, both inclusive, and examine the donors for such diseases, as may be prescribed	
	(3) An assisted reproductive technology bank shall not supply the sperm of a single donor not more than in one commissioning couple and oocyte of a single donor to more than one commissioning couple	
	(4) An oocyte donor shall be an ever married woman having at least one live child of her own with a minimum age of three years and to donate oocytes only once in her life and not more than seven oocyte shall be retrieved from the oocyte donor:	
	(5) All unused oocytes shall be preserved by the assisted reproductive technology banks for use on the same recipient, or given for research to an organisations registered under this Act after seeking written consent from both the commissioning couple.	
	(6) An assisted reproductive technology bank shall obtain all necessary information in respect of a sperm or oocyte donor, including the name, identity and address of such donor in such manner as may be prescribed, and shall undertake in writing from the donor to keep such information confidential.	
	(7) An insurance coverage of such amount may be prescribed in favour of the oocyte donor from an insurance company or an agent recognised by the insurance regulatory and development authority established under the insurance regulatory authority act 1999	
	44. (1) The standards for the storage and handling of gametes , gonadal tissues and human embryos in respect of their security, and with regard to their recording and identification as may be as prescribed.	Storage and handling of human gametes and embryos.
	(2) The gamete of a donor or embryo shall be stored for a period of not more than ten years and at the end of such period such embryo shall be allowed to perish or donated to an research organisation registered under this Act for research	

	purposes with the consent of the commissioning couple as may be prescribed	
	45. (1) The sale, transfer or use of gametes, zygotes and embryos, or any part thereof or information related thereto, directly or indirectly to any party within and outside India is prohibited except in the case of transfer of own gametes and embryos for personal use with the permission of the National Registry	Restriction on sale of human gametes, zygotes and embryos.
	46. (1) The use of any human gametes and embryos or their transfer to any country outside India, for research is absolutely prohibited.	Research on Human Embryo and gametes
	(2)The research on Human Embryo or gametes within India shall be as per the rules prescribed	
	47 (1) The child born through Assisted reproductive technology shall be deemed to be a biological child of the commissioning couple and the said child shall be entitled to all the rights and privileges available to a natural child only from the commissioning couple under any law for the time being in force	Right of the child born through Assisted reproductive technology
	(2) A donor shall relinquish all parental rights over the child or children which may be born from his or her gamete.	
	Chapter VIII Offences and Penalty	
	48. (1) The assisted reproductive technology clinic, or assisted reproductive technology bank or agent thereof, shall not issue, publish, distribute, communicate or caused to be issued, published, or distributed or communicated any advertisement in any manner including internet, regarding facilities of sex selective assisted reproductive technology	Sex selective assisted reproductive technology
	(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to ten years or with fine which may extend to rupees ten lakhs or with both.	
	49. (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person shall not	Offences and penalties.
	(a) abandon or disown or exploit or cause to be abandoned, exploited or disowned in any form the child or children born through assisted reproductive technology;	

	(b) sell human embryo or gametes , run an agency, a racket or an organization for selling, purchasing or trading in human embryos or gametes	
	(c) import or shall help in getting imported in whatsoever manner, the human embryo or human gametes	
	(d) exploit the commissioning couple or the gamete donor in any form	
	(e) transfer of human embryo into a male person or an animal	
	(f) sell any human embryo or gamete for the purpose of research	
	(g) use any intermediates to obtain gamete donors	
	(2) Notwithstanding anything contained in the Indian Penal Code, contraventions of the provisions of clauses (a) to (g) of sub-section (1) by any person shall be a penalty with a minimum five lakh and upto ten lakh for the first instance by the National Board. Subsequent offence shall be punishable with imprisonment for a term which shall not be less than ten years and upto ten years with fine not less than ten lakh and upto twenty lakh rupees.	
	50. Whoever contravenes any of the provisions of this Act or any rules made there under, for which no penalty has been elsewhere provided in this Act and shall be as per provision in subsection (2) of Section 49	Punishment for contravention of provisions of Act or rules for which no specific punishment is provided.
	51. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the National Board or the State Board or by an officer authorised by it;	Cognizance of offences.
	(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.	
	52. All the offences under this Act shall be cognizable offence.	Offences of cognizable

CHAPTER IX		
FINANCE, ACCOUNTS, AUDITS		
	53 The Central Government and the concerned State Government may, after due appropriation made by the Parliament or by State Legislature, grant such sum of money as are required to pay salaries and allowances payable to the Chairperson and the members and the administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employee of the National Board, National Registry and State Board as the case may be	Grants by Central Government
	54(1) There shall be constituted a Fund to be called the Assisted Reproductive Technology of India General Fund/State General Fund and there shall be credited thereto—	Funds
	(a) All grants, fees and charges received by the respective Board and the National Registry under this Act; and	
	(b) All sums received by the Board from such other sources as may be decided upon by the Central/State Government.	
	(2) The Fund shall be applied for meeting—	
	(a) The salaries and allowances payable to the Chairperson and members and the administrative expenses including the salaries , allowances and pension payable to the employee of the National Board, National Registry and State Board ; and	
	(b) The expenses on objects and for purposes authorised by this Act.	
	55.(1) The National Board and State Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central/State Government in consultation with the Comptroller and Auditor-General of India.	Accounts and audit
	(2) The accounts of the National Board and State Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the respective Board to the Comptroller and Auditor-General of India.	
	(3) The Comptroller and Auditor-General of India and any	

	other person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and Board in connection with such audit as the Comptroller and Auditor-General generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the National/State Board.	
	(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament/State Legislature.	
	56 (1) The National Board shall furnish to the Central Government and State Board to the State Government at such time and in such form and manner as may be prescribed or as the Central/State Government may direct, such returns and statements and such particular in regard to any activities relating to the Assisted Reproductive services in India	Furnishing of returns, etc., to Central Government
	(2) The National/State Board shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government and State Board to the State Government as the case may be.	
	(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament by the National Board and the Legislature Assembly by the State Government.	
	CHAPTER X MISCELLANEOUS	
Power of Central Government to issue directions to National Board and National Registry	57 The Central/State Government may, from time to time issue to the National/State Board such directions as it may think necessary in the interest of the sovereignty and integrity of India, security of the state, friendly relation with foreign states, public order, decency or morality	
.	(1) Without prejudice to the foregoing provisions of this	

	Act, the National/State Board and National Registry shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central/State Government may give in writing to it from time to time:	
	Provided that the National Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.	
	(2) If any dispute arises between the Central Government and the National Board as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.	
Power of State Government to issue directions to State Board	58 The State Government may, from time to time issue to the State Board such directions as it may think necessary in the interest of the sovereignty and integrity of India, security of the state, friendly relation with foreign states, public order, decency or morality	
	(1) Without prejudice to the foregoing provisions of this Act, the State Board shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:	
	Provided that the State Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.	
	(2) If any dispute arises between the State Government and the State Board as to whether a question is or is not a question of policy, the decision of the State Government shall be final.	
45 of 1860	59. The Chairperson and other Members and the officers and other employees of the National Board, National Registry and State Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this act to be public servants within the meaning of section 21 of the Indian Penal Code.	Members and staff of National Board to be public servants.
	60. (1) If the National or State Board or National Registry has reason to believe that an offence under this Act has been or is being committed at any facility using assisted reproductive technology, such Board or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such Board or officer considers necessary, such facility using assisted reproductive technology and examine any record, register, document, book, pamphlet, advertisement	Power to search and seize records etc.

	or any other material object found therein and seize the same if the said Board has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.	
	(2)The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.	2 of 1974.
	61. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the National Board or State Board or National Registry or any other officer authorised by the Central Government or the State Government or the National Board or State Board National Registry for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules or regulations made there under .	Protection of action taken in good faith.
	62. (1) The Central Government may by notification make rules for carrying out the provisions of this Act.	Power to make rules.
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for	
	(a) the salary and allowances payable to and other terms and conditions of service of Chairperson and Members of the National Board in sub-section (4) of section 5;	
	(b) part time members shall receive such allowances in subsection (6) of section 5;	
	(c)other power and functions of the National Board subsection (1) of section 6;	
	(d) other power and functions of the Chairperson subsection (2) of section 6;	
	(e)any other matter in respect of which the National Board may exercise the powers of a civil court under clause (f) of sub-section (1) of section 13;	
	(f) the other functions which the National Board may perform under clause (h) of section 14;	
	(g) the terms of office and other conditions of service of Head, Scientists and other employees of National Registry under section 16;	
	(h) terms and conditions of service of National Registry under section 17;	

	(i) applications may be made in such form with such fees as under Sub section(1) of section 18	
	(j) the salary and allowances payable to and other terms and conditions of service of the Chairperson and Members of the State Board under sub-section (4) of section 21;	
	(k) part time members shall receive such allowances in subsection (6) of section 21;	
	(l)other power and functions of the State Board subsection (1) of section 22;	
	(m) other power and functions of the Chairperson subsection (2) of section 22;	
	(n) the other functions which the State Board may perform under clause (d) of section 29;	
	(m) the period and the form in which an application shall be made for registration and fee payable thereof under sub-section (1) of section 31;	
	(o) the application made for renewal of the registration of assisted reproductive clinic and assisted reproductive bank under sections 33;	
	(p) the period, the form and manner in which an appeal may be preferred to the State Board under of section 36;	
	(q) the medical examination of the diseases with respect to which the donor shall be tested under sub-section (2) of section 37;	
	(r) the manner of making a complaint before a grievance cell and the manner of looking into the complaints for the mechanism adopted by the assisted reproductive technology clinic under sub-section (6) of section 37;	
	(s) the manner of maintaining the records by the assisted reproductive technology clinics and Banks under sub-section (1) of section 39;	
	(t) other duties of assisted reproductive technology clinics under sub section(8) of section 40	
	(u) the medical examination of the diseases with respect to which the donor's shall be tested under sub-section (2) of section 43;	

	(v) the identity of the donors to be saved under sub section(6) of section 43	
	(w) an insurance for the oocyte donor under sub section(7) of section 43	
	(x) the maintenance of standards and facilities by the assisted reproductive technology banks under sub-section (1) of section 44;	
	(y) research on human embryo under sub-section (2) of section 46	
	(z) to furnish in such form in such manner the activities relating to assisted reproductive services under sub-section (1) of section 56	
	(za) the form for maintaining proper accounts and other relevant records and the annual statement of the accounts of the National Board and State Board under sub-section (2) of section 56;	
	(zb) the manner of entry and search by the State Board or any officer authorized by it under sub-section (1) of section 60;	
	63. (1) The National Board may, with the prior approval of the Central Government, by notification make regulations consistent with this Act and the rules made there under to carry out the provisions of the Act;	Power to make regulations
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –	
	(a) time, place and the procedure in regard transaction of business at meetings of the National Board under sub-section (1) of section 8;	
	(b) issues which come up before any meeting of the Board shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes under sub-section (3) of section 8	
	(c) time, place and the procedure in regard transaction of business at meetings of the State Board under sub-section (1) of section 24;	
	(d) The assisted reproductive technology clinics shall harvest oocytes under sub-section (1) of section 41;	
	(e) the number of oocytes or embryos under sub-section (2) of section 41;	
	(f) any other matter which is required to be, specified by regulations or in respect of which provision is to be	

	made by regulations.	
	64. Every rule or regulation made and notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses of Parliament agree in making any modification in the rules or regulations or notifications, as the case may be, both Houses agree that the rules or regulations or notifications, as the case may be, should not be made or issued, the rule or regulation or notification, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.	Laying of Rules and Regulations.
57 of 1994.	65. The provisions of this Act shall be in addition to, and not in derogation of the provisions Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and the Clinical Establishment (Registration and Regulation) Act, 2010 or of any other law for the time being in force or to come in force.	Application of other laws not barred.
	66. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty:	Power to remove difficulties.
	Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.	
	(2) Every order made under this section shall, as soon as may be made, be laid before each House of Parliament.	