

Minutes of the 20th Meeting of the Central Supervisory Board held under the Chairmanship of Hon'ble Union Minister of Health & Family Welfare on 16th January, 2013, 4.00 pm at Vigyan Bhawan Annexe, New Delhi.

The 20th Meeting of the Central Supervisory Board (CSB), constituted under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, was held on 16.01.2013 under the Chairmanship of Shri. Ghulam Nabi Azad, Union Minister for Health & Family Welfare. The list of participants is at Annexure.

Mrs. Anuradha Gupta, Additional Secretary & Mission Director NRHM, welcomed the members of Central Supervisory Board to the meeting and thanked the Hon'ble Ministers for their presence. She stated that the meetings of the Board were being held regularly and thanked the Members for their participation. She highlighted various important decisions taken by the CSB, pursuant to which amendments have been notified by the Ministry of H& FW to strengthen effective implementation of the PC & PNDT Act. It was also observed that implementation of the PC & PNDT Act by States is a challenge and efforts to intensify action against sex determination needs to be further stepped up.

Smt. Krishna Tirath, Hon'ble Minister of State (Independent Charge), Ministry of Women & Child Development, observed that the decline in Child Sex Ratio has become a burning issue in the country and it is the prime responsibility of the states to take action to curtail malpractices of sex determination and sex selective eliminations. She informed that the issue of declining CSR has been taken up as a priority matter in the recent meeting of the Inter Ministerial Coordination Committee headed by the Cabinet Secretary and regular follow up is now being done.

She voiced her concern that in spite of the growth in GDP that the country has achieved over the decades, the girl child still remains unwanted and neglected, with the phenomena more common in the urban educated and affluent groups and rapidly spreading to rural areas.

Outlining the various initiatives undertaken by Ministry of Women and Child Development to address the issue of deteriorating sex ratio at birth, including Sabla Scheme, ICDS and national level campaign to address malnutrition etc. she emphasized that a lifecycle approach could be adopted for an inclusive approach to the problem.

Shri Ghulam Nabi Azad, Hon'ble Minister Health & Family Welfare informed that Ministry has engaged substantially with States to identify challenges in implementation of the PC & PNDT Act, including grass root advocacy to address attitudes that seek to perpetuate son preference and discrimination against the girl child. He emphasized that outcome to curb the declining child sex ratio in our country, need to be anchored in robust institutional capacity, for which efforts need to be intensified by States.

Exhorting members to act in partnership with Government to counter the unethical practice of gender biased sex selection, he reiterated the urgent need to overcome male-biased birth

ratios, through a combination of strategies, including attention to gender equality in laws and policies, advocacy, media campaigns and economic growth.

After the opening remarks by the HFM, JS (RCH) presented the agenda for discussion by the Board.

Agenda No.1:

Confirmation of the Minutes of the 19th meeting of the Central Supervisory Board

Some members and invitees to the Board raised the issue that Appropriate Authorities were unclear about the legal provisions of the Act and there have been instances where the authorities had interpreted the provisions of the Act differently. AS & MD suggested that FAQs can serve as guidance for State and District/ Sub-District Appropriate Authorities in effective implementation of the PC & PNDT Act and minimise situations of any undue harassment by Authorities.

It was also clarified by AS & MD that the minutes essentially reflect action points and decisions of the Board and do not capture every element of discussion.

Further, with regard to observations made by Dr. Sanjay Gupte and Dr. Harsh Mahajan, it was pointed out by JS(RCH) that action has already been initiated on decisions of the CSB, following which the minutes of the 19th meeting of the Central Supervisory Board were confirmed.

Agenda Item No.2:

Action Taken Report on decisions taken in the 19th Meeting of Central Supervisory Board held on 20.07.2012

JS (RCH) presented the Action Taken Report with regard to decisions of the 19th CSB meeting. As regards action taken on the decision to devise suitable regulatory mechanism for effectively monitoring of the sale of imported/ second hand/ refurbished ultrasound machines in order to check their misuse, it was informed that a meeting of an expert committee was held and based on the decisions of the expert group, IIT Kharagpur was requested to submit a research proposal for tracking ultrasound machines, which has since been submitted.

Intervening in the discussion with regard to the lack of clarity in the process laid down for surrendering of unused machines, HFM suggested that guidelines specifying the modalities of surrender of unused/old machines could be spelt out by a committee constituted for this purpose.

After detailed deliberations, it was decided that the Ministry would constitute an expert group to devise suitable mechanism to retire/dispose of functional/non-functional ultrasound equipment.

Agenda Item No. 3:

A review of the status of implementation of PC & PNDT Act in States and future strategies

JS (RCH) detailed the progress made with regard to status of implementation of the PC & PNDT Act as per the agenda note.

The Board noted the improved progress in effective implementation of the Act. It was also noted that action by MCI with regard to cancellation of licenses following conviction of doctors needs to be accelerated. Chairman, BOG-MCI may also be invited as Special Invitee to the next meeting of the Board.

Further action by States following NIMC visits also needs to improve.

Agenda Item No. 4:

Draft Rules for six months training in ultrasound for MBBS Doctors.

The draft Rules were deliberated and approved with the following modifications:

Intake of registered medical practitioners for admission to such trainings would be in 1:1 student to teacher ratio. In view of States requests to waive of fees for in service MBBS medical officers, it was decided to leave the decision to the discretion of respective State Governments.

Dr. Vinod Paul emphasized the need to ensure that training is anchored in Department of Radiology. It was decided to emphasize this aspect in instructions.

Agenda Item No. 5:

Revised format of Form F submitted by the expert committee

The proposal was discussed at length.

Representatives of State Government and civil society informed that the existing Form F format was a crucial paper trail in tracking sex selective procedures and there was no express utility in amending the existing format. Members also suggested that the Board may consider separate sections pertaining to invasive and non-invasive procedures in the format. HFM reiterated that the PC & PNDT Act was a comprehensive legislation and views of States require to be accommodated for clarity and proper interpretation by Appropriate Authorities.

Dr. Sanjay Goyal, Director (Health), M.P pointed out that it would be useful to include a permanent identification number for procedures recorded by way of Form F. Towards this end, a printed booklet with Page numbers maybe made mandatory. For on-line submission of Form-F, provision for unique registration number can be considered.

In the light of suggestions from Members, it was decided that the matter would be reviewed by the Ministry, before incorporation of suitable format in the PNDT Rules, 1996.

Agenda Item No. 6:

Draft Code of Conduct for Appropriate Authorities

The proposal was discussed in detail and it was suggested that a comprehensive Code of Conduct would facilitate precise assessment by Appropriate Authorities. It was decided that the Ministry would examine the Draft Code of Conduct in consultation with the Ministry of Law, including statutory provision for action against Appropriate Authorities, who fail to initiate and take lawful action against violators of the PC& PNDT Act.

Agenda Item No. 7:

Strengthening of monitoring mechanisms including NIMC, SIMC and follow up action at State and District level.

Members expressed concern at the lack of effective follow up action by Appropriate Authorities, against ultrasound diagnostic facilities found guilty of violations under the PC & PNDT Act, by National Inspection and Monitoring Committee. After in depth deliberations, it was decided that Ministry would have a consultation with the Ministry of Law, for enabling action in cases where statutory obligations of Appropriate Authorities was found wanting.

Agenda Item No. 8:

Future strategies for effective implementation of PC & PNDT Act

During the course of CSB meeting, following suggestions were made:

Dr.V.K.Paul suggested that sensitization of MBBS doctors, through standardized chapters in the medical curriculum, on the issue of declining child sex ratio is essential to counter the unethical practice of gender biased sex selection and bring gender issues to the forefront.

Provision of graded punishment for the violations of provisions of the Act: Certain violations essentially of technical nature should receive only minor punishment in comparison to the offences of actual sex determination leading to female foeticide.

Improving the efficacy of the provisions of the Act and the Rules to fulfill the mandate of the Act of preventing misuse of technologies leading to female foeticide

The meeting ended with thanks proposed by JS (RCH) to the members and Chairman CSB.

List of Participants

1. Shri. Ghulam Nabi Azad
Hon. Minister for Health & Family Welfare - In Chair
2. Smt.Krishna Tirath
Hon. Minister of State, Ministry of Women and Child Development - Co-Chair
3. Dr.Vijaylaxmi Sadho
Member of Parliament (Rajya Sabha)
4. Shri P. K. Pradhan
Secretary (H&FW)
5. Shri. Prem Narain
Secretary(WCD)
6. Dr. Jagdish Prasad
DGHS, MOHFW
7. Ms. Anuradha Gupta
Additional Secretary & Mission Director (NRHM), MOHFW
8. Ms.K.Ratna Prabha
AS (NMEW),Ministry of Women and Child Development
9. Dr.Rakesh Kumar
Joint Secretary (RCH), MOHFW
10. Ms. Anuradha Vemuri
Director, MoHFW
11. (Dr.)V.K.Paul, Professor & Head, Department of Pediatrics
AIIMS, New Delhi
12. Dr. Bani Sarkar,
HOD (Obs./Gynae.),RML Hospital, New Delhi
13. Shri Vyas Ji, Principal Secretary (H&FW)
Govt. of Bihar
14. Shri. Raj Kamal Chaudhary
Secretary (Health), Punjab
15. Dr.Karanjeet Singh, Director(FW),Punjab
16. Dr.Sanjay Goyal, Director (Health Services)
Govt. of Madhya Pradesh

17. Dr. D.K. Srivastava, Director(FW)
Govt. of Uttar Pradesh
18. Dr. Renu Pahal, DD (PNDT), Haryana.
Govt. of Haryana
19. Dr. Prakash Vaghela,
Asstt. Director (FW), Gujarat
20. Dr. Gayatri Thaker
Gynaecologist & Obstetrician, Siddhivinayak Hospital, Jamnagar, Gujarat
21. Dr. Sanjay Anant Gupte,
Former President, FOGSI
22. Dr. Narender Saini,
Indian Medical Association
23. Dr. Jaideep Tank, FOGSI
24. Dr. Jignesh Thakker, IRIA
25. Dr. Girija Wagh,
HOD (Gynae.), Vidya Peeth University Medical College, Pune
26. Dr. Neelam Singh,
Secretary, Vatsalya, Lucknow
27. Dr. Ratna Jain,
Mayor, Nagar Nigam, Kota
28. Dr. A. P. Khade, Nodal Officer, SFWB Pune, Maharashtra
29. Shri. D. N. Sahoo, US(PNDT)