

Sl. No. 1
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**Minutes of the 6th Meeting of Central Supervisory Board constituted under
Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
held on 18-10-2001 at 10.00 AM**

The list of members and special invitees who attended the meeting is annexed (Annexure-I).

As the Hon'ble Minister for Health and Family Welfare was out of station, the meeting was presided over by Shri A.R. Nanda, Secretary (FW), who is the Vice-Chairman of the Board.

After brief introduction by the members of the Central Supervisory Board and Special Invitees, Secretary (FW) welcomed all the participants. He explained the importance of the Central Supervisory Board (CSB) and the role it can play in the implementation of Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. He informed the members that Supreme Court in its hearing on 19th September, 2001 has observed that Centres which are not registered are required to be prosecuted by the Appropriate Authorities at States/UT and District level. There is no question of issue of warning and to permit them to continue their illegal activities. Appropriate Authorities must carry out the necessary survey of clinics and take appropriate action in case of non-registration or non-compliance of the statutory provisions. He reiterated that the Appropriate Authorities or any officer of the Central or State Government authorized in this behalf can file a complaint under section 28 of the Act for prosecuting the offenders. He desired that Appropriate Authorities should report to the CSB, actions taken by them in the quarterly report which should be sent in time. The reports received from the States and UTs are still received in old formats and most of the information furnished is NIL. The report for the quarter ending September, 2001 is already due and the States who are present today in the meeting should send the complete report in new format immediately. As per the Supreme Court directive States are also required to send district-wise reports.

The chairman invited all the participants for a fruitful discussion on the issues and requested them to give suggestions for successful implementation of the Act.

Agenda Item No.1

The minutes of the 5th meeting of the CSB held on 11.5.2001 were confirmed.

Agenda Item No.2

The action taken status on the issues raised in the meeting held on 11.5.2001 was noted by the participants.

On the submission of the report to the Supreme Court in respect of the progress made in the implementation of the Pre-natal Diagnostic Techniques (Regulation and

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Prevention of Misuse) Act, 1994 Shri M.A. Khan Yusfi, Additional Legal Adviser, Ministry of Law suggested that while filing an affidavit in the Court, States/UTs Government should ensure that the information furnished to the Court is correct.

Dr. Sabu George, Consultant pointed out that the defence counsel for the UT of Chandigarh was not even present in the Court during the last hearing of the Case (WP (Civil) 301 of 2000) on 18th and 19th of September, 2001. State Appropriate Authorities do not send the reports in time. Sometimes, the reports furnished at the time of affidavit, do not tally with reports furnished to the Central Government. He was of the view that IMA is not co-operating towards the implementation of the Act, in the States/UTs.

The Chairman pointed out that except a few Appropriate Authorities like, Faridabad, Gurgaon, Chandigarh and Delhi, other Appropriate Authorities do not appear to be serious in implementing the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. The Indian Medical Association in some States do not take action against those doctors who involve themselves in the heinous activity of sex determination of foetus leading to female foeticide. He desired that Appropriate Authority in Punjab State, where the sex ratio is lowest, may take the help of Dr. B.S. Dahiya, Appropriate Authority, Faridabad. Decoys should be engaged to nab the culprits. He emphasized that unless some drastic steps are taken, the implementation of the Act will be very slow. Every district of Punjab and Haryana should be monitored by the concerned Appropriate Authorities and complaints should be registered. Supreme Court is keeping a vigilant eye, especially on Punjab and Haryana States.

Dr. S.P. Aggarwal, Director General of Health Services stated that the appropriate authorities should implement the Act in letter and spirit and not find out ways, not to register the ultrasound machines. All Ultrasound Machines should be registered. He suggested that manufacturers of ultrasound machines can be asked to send a copy of the details of the buyers of Ultrasound Machines to the Director of Health and Family Welfare of the concerned State/UT. This will help to identify those who are not coming forward for the registration of Ultrasound Machines. Dr. A.K. Mehta, Director (F.W.), Delhi, informed that companies are not ready to disclose the names of the buyers. Recently Delhi Government have tried to find out the details from "Philips Company" who have refused to part with this information. DGHS suggested that a letter from the Ministry of Health and Family Welfare to the companies can be sent which will have more impact.

For reducing the intervals between the meetings of the CSB, Shri A.R. Nanda, Secretary (FW) informed that, in future, the CSB will meet thrice a year instead of meeting twice. The next meeting of the CSB will be held in January, 2002. Sub-committee meetings will be held every month.

As a step towards the implementation of the orders passed by the Supreme Court, the Chairman informed that notification to appoint Appropriate Authorities at district level in NCT of Delhi has already been issued and for other Union territories it is under process.

Agenda Item No.3

The activities undertaken towards creating public awareness for the implementation of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 after the last meeting of CSB held on 11-5-2001 were reviewed. It was suggested that programmes on Radio and TV should be repeated at regular intervals. The spots which have been telecasted in the program "Rangoli" should be repeated especially in Punjabi and Hindi over Jalandhar Channel. It was also noted that a separate committee has been constituted to examine the proposals which have been received for production of tele-films, video spots, panel discussions, serials, documentaries, etc. for creating public awareness towards the provisions of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. Every State has media coordination committee on health and family welfare which should be activated. DS(IEC) was asked to monitor the activities of these committees for creating public awareness against the practice of pre-natal determination of sex and female foeticide. The Board appreciated the role played by the Plan International, India towards the public awareness programs and directed that their services should be used in future also.

Dr. D. Singh of FOGSI, Patna suggested that campaign should focus more on the fear of the Act to desist the clinics from indulging in the detection of the female foeticide. Even if the message is crude, while conveying it to the people, we should not mind. Dr. A.K. Mehta, Director (FW), Delhi informed that they are giving copies of the orders of the Supreme Court to create fear in the minds of the doctors who are using ultrasound machines without registration.

Smt. Reva Nayyar, Member Secretary, National Commission for Women suggested that there should be regular raids in the clinics, which are using ultrasound machines. Fear of raids will have demonstrative effect. She also suggested that a postal stamp may be released on the Children Day with caption 'SAVE THE GIRL CHILD'. Greeting cards and New Year Calendars can also be printed with this theme.

Dr. Mira Shiva of VHAI suggested that the slogan "Beti Bojh Nahi, Lathi Hei" should be printed on the Government stationery, calendars etc. Shri. Ravindra suggested that the slogan, "Ladki Na Ladke Se Kam" should be printed on the letter-heads.

Ms. Nina Puri, FPAI suggested that while implementing the Act, we should not do witch hunting. Smt. Meenakshi Datta Ghosh stated that balance is required to be maintained between the implementation of the Act and use of these latest technologies for the detection of abnormalities.

Ms. Geetanjali Goel, Advocate from Human Rights Law Network suggested that the Appropriate Authorities can also start a help line for those women who are compelled to go for abortion in case of detection of a female foetus.

Dr. Sabu George informed that a letter had appeared in the Magazine 'Femina' condemning the efforts of the Government machinery for containing the female foeticide

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and it should be repudiated. The Chairman suggested that we should write strongly against it to the publisher of 'Femina' magazine. Organizations like Media Advocacy Group, Centre for Advocacy, Plan International India and others should be contacted for this. Dr. Sabu George was asked to make available a copy of the issue in which the letter was published.

The Chairman desired that IEC Division of the Deptt. of Family Welfare will have to play a pro-active role in carrying out the campaigns for the implementation of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. He appreciated the efforts made by the VHAI in Punjab for creating awareness by organizing various seminars, conferences, nukad natakas etc. against the practice of female foeticide. He desired that the proposal of VHAI in Punjab for taking a 'Padyatra' at Fatehgarh Sahib district of Punjab should be given full support by the State Government. Central Government will also provide all possible assistance.

On the basis of press reports and detailed investigations undertaken by the Appropriate Authorities, seven cases have been filed in the respective courts. The complaints filed in the Court by the Appropriate Authorities in Haryana, Delhi and Chandigarh were appreciated by all the participants. The Board desired that a wide publicity is required to be given to such cases. In the 'India Abroad' Weekly case, when the complaint was filed in the Court, wide publicity should have been given by holding a press conference. The Chairman further suggested that the complaints should be filed in the respective Courts, instead of filing it with the Police Stations.

Agenda Item No.4

The Board directed that the matter may be taken up with the Govt. advocate in the Supreme Court for expediting the preparation and filing of transfer petition or transferring the three cases pending in the Calcutta High Court to the Supreme Court.

Agenda Item No.5

The draft amendments proposed to be carried out in the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 were discussed in the meeting. Smt. Meenakshi Datta Ghosh, Joint Secretary(P), Shri S.C.Srivastava, Director(P), Dr.R.S.Sharma, Asst.Direcor General, ICMR, Prof.K.Kalaivani, NIHFW, Smt.Geetanjali Goel, Human Rights Law Network, Dr. D. Singh from Patna, Dr.Sabu George, Consultant (PNDT) and officers from various States and other organizations actively participated in the discussion. After detailed discussions, the amendments were finalized by the Board as annexed (**Annexure - II**). It was agreed that an Officer from the Legal Department will be involved while drafting the amendment bill. The Department of Family Welfare is planning to introduce the amendment bill in the Parliament during the ensuing Winter Session, 2001.

The Meeting ended with vote of thanks to the chair.