

**Minutes of the 15<sup>th</sup> meeting of the Central Supervisory Board (CSB)**

**held on 09<sup>th</sup> January, 2007**

(Constituted under the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994)

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1. The list of participants is annexed.
  
2. Shri Naresh Dayal, Secretary (H&FW) welcomed the participants. He requested the esteemed members to strengthen the enforcement of PC & PNDT Act in the country. He expressed his shock and concern at the gruesome incidents involving children in NOIDA and stressed the need for civil Society to be more vigilant and concerned about issues involving children including female foeticide. He also promised to take the necessary steps, including amendments in the present Act so as to make them more stringent.
  
3. In her remarks, Smt. Renuka Chaudhary, MOS, Independent Charge (WCD) stated the various initiatives taken by Department of Women and Child Development(WCD) for protection of the girl child, including the Palna scheme, compulsory registration of pregnancies and issue of cards to women for promoting institutional deliveries etc. She however expressed the need to strengthen the implementation of PC&PNDT Act and made the following suggestions:-

- ◆ The practice of carrying out ultrasound tests routinely on the pregnant women was unnecessary and could be avoided by the medical community.
  - ◆ The manufacturers of ultrasound machines could be urged to install a system of counting the number of ultrasounds done in the machine itself.
  - ◆ District Magistrates need to be involved in the implementation of the PNDT Act. There was also a need to recognize their efforts through instituting awards for best performance.
  - ◆ Future technological advances such as stem cell research would have adverse consequences for PNDT which needs to be taken into consideration.
  - ◆ There was need to declare red alert on the problem of female foeticide in the country.
  - ◆ A National Campaign through advertisements/documentaries, slides in cinema halls, helpline for pregnant women should be undertaken on this issue.
4. She informed the members that in the week starting from 8<sup>th</sup> March 2007 'Save the Girl Child' message would be relayed on all the cell phones in the country.
5. Hon'ble HFM welcomed the new members of CSB. In his opening remarks he stated that the Central Supervisory Board as the

apex body for laying down policies for implementation of the Act in the country is responsible for improving the Child Sex Ratio in the country. He agreed that punishment under the Act should be made more stringent. He hoped that the launch of the National Rural Health Mission (NRHM) and under it having ASHAs in every village would strengthen the efforts in improving the Child Sex Ratio in the country. He felt that information technology should be effectively utilized for monitoring the implementation of the Act in the country. He informed the Board about his announcement of granting Rs.5.00 lakhs to each of the MPs in the seven vulnerable States of the country for creating awareness on the issue. He expressed the need to sensitize the movie industry as he felt that it has a definite hold on the minds of the public. He desired that CSB members be involved in field monitoring. He also instructed that wide publicity be given to the website of the Ministry through newspapers to provide information on the initiatives taken by the Ministry on the subject.

After the remarks by the HFM, the agenda items were taken up for discussion as noted below.

**Agenda Item No.1:- Confirmation of the Minutes of the 13<sup>th</sup> & 14<sup>th</sup> meeting of the Central Supervisory Board held on 17.10.2005 and 14.06.2006.**

The minutes of the 13<sup>th</sup> & 14<sup>th</sup> meeting of the CSB held on 17.10.2005 and 14.06.2006, were confirmed.



**Agenda Item No.2:- Action Taken Report on the decisions taken/ recommendations made in the 13<sup>th</sup> & 14<sup>th</sup> meeting of Central Supervisory Board held on 17.10.2005 and 14.06.2006.**

The members noted the Action Taken on various decision/recommendations of the 13<sup>th</sup> & 14<sup>th</sup> meeting.

**Agenda Item No.3:- Status of implementation of PC&PNDT Act.**

US (ID/PNDT) made a presentation on the status and implementation of PC & PNDT Act in the country based on the reports received from State/UTs, and the Reports of the National Inspection and Monitoring Committee (NIMC). She also presented the various initiatives undertaken by the Ministry of Health & Family Welfare for implementation of PC&PNDT Act in the country. The Board noted with concern the difficulties faced by the NIMC while inspecting the clinics in Uttar Pradesh. It was felt that a nodal officer from police be assigned to coordinate and provide protection to the Team during its visits to the states. It was also suggested that more teams under NIMC be constituted to cover the entire country on regular basis. Further, States should be directed to appoint special prosecutors for appearing in court cases relating to sex determination. HFM directed that a deadline be given for renewal of registration of clinics under the Act. Further, he would write to all Chief Ministers on the need to hold State Supervisory Board meetings regularly. HFM also directed that

enough publicity be given in newspapers about the facility for online registration of complaints. The need to have a computerized monitoring system was also stressed.

**Agenda Item No. 4:- *Guidelines for utilizing the Registration Fees collected by the Appropriate Authorities under PC&PNDT Act, 1994.***

It was decided to have a corpus fund of registration fees collected by the District Appropriate Authorities for PNDT activities. The guidelines prepared for utilizing the registration fee were approved in principle. It was decided that the funds could also be utilized for creating awareness on renewal of registration of clinics, i.e. for reminding the clinics to get the registration renewed. The Board however noted that this was the basic responsibility of the clinic owners, in absence of which they could be made liable for criminal action.

Members felt that the corpus fund of registration fees alone may not be enough for taking up all activities. The Board was informed that States have already been requested to include the activities and the funds needed for implementing the PC&PNDT Act under the NRHM PIPs. The States thus could avail funds under NRHM for implementation of the PNDT Act, together with the registration fees collected.

**Agenda Item No. 5: *Accreditation/recognition of institution for imparting training in ultrasonography/image scanning.***

It was decided that this be examined by a Committee Chaired by the Secretary (H&FW).

***Agenda Item No. 6: Authority of Search and Seizure-  
Deciding the rank/level of the officers at  
State/District/Sub District level.***

In view of the decision taken in the 13<sup>th</sup> meeting of the CSB and as approved by the Ministry of Law, it was decided that the proposal to have the authority for Search and Seizure to be assigned to any Group B-Gazetted officer be examined by the Committee mentioned under item 5.

***Agenda Item No.7: Computerization of Form F  
maintained by clinics under PNDT Act.***

The Board was informed that after receiving the results of the pilot testing of the software launched in the States and refining the software based on the response received, the same would be distributed to all the State/UTs for data entry and that they would be asked to report generation for the information submitted in form 'F'. The Board noted the action proposed.

***Agenda Item No 8: Need of mobile ultrasound  
machines.***

It was decided that the Committee Chaired by the Secretary(H&FW) would examine the issue. It was pointed out that while examining the issue, the Committee ought to take



into account the distinction between the mobile clinics which serve the rural areas and the mobile ultra sound machines, which are exclusively used for checking the sex of the foetus.

**Agenda Item No.9: Suggested Amendments in PC&PNDT Act.**

The Board noted the following amendments proposed as well as the new suggestions received in this meeting:-

- District/Executive Magistrates be made Appropriate Authority(AA) in place of CMOs.
- DAA to be made a multi-member authority
- Recovering the condition of giving 15 days notice to AA by NGO/person before approaching the Court.
- Qualification and experience of the service providers be made more specific.
- All gynecologists irrespective of possessing the machines may not be brought under the Act, but gynecologists doing genetic counseling should be registered.
- Records in Form F be maintained only for first and third trimester pregnancies.
- Seized machines of unregistered centres should not be released through payment of fine (five times the registration amount).
- Setting up of SIMC at State level.
- Incentives to informers.
- Income evaluation of centres.

- Prosecution sanction issued by the District Magistrate as done for under the Arms Act.
- Adoption of Graded punishment as per the intensity of the violation of the Act.

After discussion the Chairperson proposed that a Committee Chaired by the Secretary(H&FW) examine the amendments proposed and related matters and place its recommendations within two months. However, keeping in view of the urgency of notifying the DMs as AAs in the place of CMOs to facilitate enforcement of the provisions of this Act, he directed the Ministry to examine that proposal separately under the relevant provision of the Act.

***Any other item with the permission of Chair.***

Dr. N S, President, FOGSSI stated that violation of the Act is a law and order problem and not a medical problem. The medical practitioners violating the Act should be punished and media attention on their violations must be drawn. The court cases should be argued by eminent lawyers and decoy operations should be conducted by State and District Appropriate Authorities regularly.

Ms. Varsha Deshpande, DMVS, NGO working in Satara informed the Board that the Government of Maharashtra has issued Government Orders for protection of pregnant women who voluntarily agree to be decoys for sting operations.



The state representatives from Punjab, Himachal Pradesh, Gujarat and Rajasthan also appraised the Board the action/activities taken up by their Government regarding the problems.

In his concluding remarks, the HFM thanked all the CSB members for attending the meeting and announced that the next meeting would be held within 3-4 months. The Committee to be set up under the Chairmanship of Secy(H&FW) would present its Report in the next meeting. He also requested the members to offers their suggestions, if any, in the meantime to the Ministry of Health and Family Welfare.

The meeting ended with a vote of thanks to the Chairperson, Co-Chairperson and Members.