

MINUTES OF THE 16TH MEETING OF THE CENTRAL SUPERVISORY BOARD (CSB) HELD ON 12.12.2007 IN THE COMMITTEE ROOM, NIRMAN BHAWAN, NEW DELHI, UNDER THE CHAIRMANSHIP OF HFM.

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The 16th 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 from 4.30 PM on 12.12.2007 in the Committee Room, Nirman Bhawan, New Delhi, under the Chairmanship of Hon'ble Union Minister of Health & F.W. (HFM).

2. The list of participants is attached.
3. Secretary (HFW) welcomed the participants and summarised the issues lined up for the meeting which included discussing important amendments which needed to be made in the PC&PNDT Act among other things.
4. HFM in his opening address observed the declining sex ratio was one of the major issues which the Government was seriously concerned with and was doing everything possible to check the trend. Adequate funds would be provided for this activity and a provision has also been made in the RCH-II Programme for funding the PNDT Activities in the States.
5. Ms. Manjula Krishnan, Economic Advisor, Union Ministry of Women & Child Development, on account of the preoccupation of the Hon'ble Union Minister of State (I/C) for Women & Child Development, read out her message, MOS (I/C), WCD, while conveying her Ministry's support and cooperation to the Health & F.W. Ministry in eradicating the scourge of female foeticide, listed various programmes initiated by WCD Ministry for safeguarding the interest of the girl child.
6. Concern was also expressed over the easy availability of Gender Testing Kits in some of the affluent States of the Country through online purchases. Joint Secretary (PK) informed the House that this had already taken up with the Ministry of Finance to examine the possibility of intercepting

such kits and revealing the details of their importers. A reference was also made to the sting operation carried out by BBC in NOIDA and Delhi. The gathering was informed that the concerned State Governments had been requested to take action as per the provisions of the PC& PNDT Act. HFM directed to take up the matter with the concerned Ministries/authorities to intensify the implementation of the PNDT Act under the backdrop of these developments.

7. Responding to the Status Report on Implementation of PNDT act presented by PNDT division, HFM suggested that the National Inspection & Monitoring Committee should undertake more frequent inspections and cover more areas. To achieve this objective, NIMC may be enlarged with the induction of more manpower. The House noted with great concern that sex ratio showed a sharper decline in affluent States. HFM desired that the Ministry convene a meeting of the Health Ministers of all the 10 States which were at the bottom of the list of Sex Ratio figures in the first week of February. This was followed by a discussion, highlights of which are as under:

- (1) Difficulties encountered by the genetic clinics/labs/Centres filling up the Form 'F' and 'G) was mentioned and the representative of FOGSI indicated that these forms required rationalisation. A suggestion was made for facilitating filling up of these forms 'Online'. Ministry had developed Form F software that was experimented in five states on pilot basis but because of technical problems the software needed improvisation. This issue will be taken up with NIC. It was made clear that the software won't substitute the very important hard copy of Forms that are mandatory to maintain under the law. The software will help in regulation of monthly reports and quarterly reports. JS (PK) clarified that the registration and maintenance of records were mandatory under the law. Non- adherence to this was presumed to be violation of the provisions of the Act inviting penalties. This was a simple job and all concerned units needed to be PC&PNDT compliant.
- (2) CSB members inquired about the Guidelines framed for utilisation of the funds for MP scheme under which money was (Rs.5.00 lakhs) released

through the District Societies to each of the MPs of Lok Sabha and Rajya Sabha in the sensitive States/UT of Delhi, Punjab, Haryana, Chandigarh, Rajasthan, Gujarat and Himachal Pradesh, for undertaking various IEC Activity for generating awareness in their respective Parliamentary Constituencies. The house was informed that guidelines have been formulated and forwarded to above states besides putting them on line for public information on MOHFW website.

- (3) Dr Puneet Bedi CSB member brought to notice the recent BBC programme in which a doctor from Delhi was shown doing sex determination test in her clinic. The member informed the house that this is not the first time this renowned doctor of Delhi was caught on camera, 14 years back in 1993 **The Telegraph** had done a sting operation on the same doctor who offered to carry out sperm sorting for mere Rs 3000/- . Dr Puneet Bedi proposed to the house that to catch such perpetrators there is urgent need to conduct medical audit of the records of these doctors and as collateral evidence hospital wise and Doctor wise birth record need to be procured for the process of medical audit from Delhi MCD office and state census office Acknowledging the proposed strategy for catching the violators HFM proposed to conduct Intensive Medical Audit to be in Chandigarh and South Delhi.
- (4) Ms. Ranjana Kumari, CSB Member, brought to the notice of the House that in certain States Appropriate Authorities and Advisory Committees were not constituted and there was ignorance about the existence of PNDT Act and the responsibilities cast thereunder on the Government Agencies in most States/districts of the Country. In this context, she cited the case of Karnataka and Rajasthan where State Appropriate Authorities and Advisory Committees had not yet been constituted. The house agreed that strong letter should be send to states that are not complying to PC&PNDT Act.
- (5) Adv. Varsha Deshpande, CSB Member, handed over a Note containing her observation following her visits various States during the last 11

months in her capacity as a Member of the CSB and NIMC. PNDDT division will follow up with the states.

- (6) State Representative from Himachal Pradesh raised the concern of cantonment areas not responding to state Appropriate Authorities in terms of quarterly reports.
- (7) There was need for further up scaling the IEC Activities on female foeticide in the Country in order to achieve tangible results. HFM informed the house that Ministry is proposing 100 crores for 11 Plan for Girl Child. Program division will follow this up.
- (8) The procedure for filing of the Court Cases for violation of the provisions of the Act and Rules/Regulations framed thereunder needed to be streamlined. House was informed that MOHFW had issued directions to the states to streamline this process. The states be advised to identify special public prosecutors to take up cases under the Act. HFM directed that a meeting with law ministry/ a one day workshop where the chief justice of India could be also invited at a date convenient to him to discuss the concerned issues to sensitise the judiciary.
- (9) The representative of UNFPA pointed out that it won't be possible for NIMC to cover whole country so it is essential that states should accelerate the formulation of SIMCs for which directions from the centre has already gone out and only two states Gujarat and Delhi has formulated it. It was decided that a reminder to all states to constitute SIMC in a specified time will be issued by MOHFW
- (10) Another point was made about the U.S. Machine manufacturers selling new machines in a buy back arrangement of taking back old machines. While the new machines were registered, the fate of the old machines was not known.

After the update on the Status On Implementation of PNDT Act and recommendations, proposals, observations and remarks by the members of CSB, the agenda items were taken up for discussion as noted below.

8. Agenda Item No.1:- Confirmation of the Minutes of the 15th meeting of the Central Supervisory Board held on 09-01-07

The minutes of the 15th meeting of the central supervisory board were adopted unanimously.

9. Agenda Item No.2:- Action Taken Report on the decisions taken/ recommendations made in the 15th meeting of the Central Supervisory Board held on 09-01-07

The members noted the Action Taken on various decision/recommendations of the 15th meeting.

10. Agenda Item No.3:- Recommendations of the Committee of Secretary (H&FW) on proposed amendments/revisions in the PC&PNDT Act and related matters are as follows-.

a) Recommended amendment to the Section 17.3 (a) (i), 17.3 (b) and Section 17.3(a)(iv) of the PC&PNDT Act.

The Ministry of Health and Family Welfare issued an Office Memorandum with the direction to appoint District Collectors/District Magistrates as the District Appropriate Authority in place of the Chief Medical Officer (CMO) for better implementation of the PC& PNDT Act. As suggested by the Ministry of Law, it was recommended to amend Section 17.3(b) of the PC&PNDT Act so as to appoint District Magistrate/District Collectors as the District Appropriate Authority in place of Chief Medical Officer. Accordingly the designated committee recommended amendment in Section 17.3(b) of the PC&PNDT Act so as to appoint District Magistrate/District Collectors as the District Appropriate Authority in place of Chief Medical Officer. It is also recommended amendment in Section 17.3(a) (i) so as to change the State Appropriate Authority (SAA) from Director (H&FW) / DGHS of the State to Secretary (H&FW) of the State. In

addition, it has been proposed to insert a new Sub-section 17.3 (a) (iv) so as to have "an officer of or above the rank of the Joint Director of Health & F.W." as one of the members in the State Appropriate Authority (SAA), so as to have a technical person in the SAA

Considering recommended amendment in 17.3 (a) (i) Dr Rattan Chand, previous Director (PNDT) informed the house that Secretary (H&FW) of the State as the appellate authority (Section 21 (ii)) of the Act cannot hear the appeals against the orders of State Appropriate Authority, if he is designated as such. Responding to this observation house was of opinion that Director General Health or Commissioner Health be made the Chairperson, State Appropriate Authority. The recommended amendment in section 17.3 (b) was unanimously accepted and the recommendation of insertion of 17.3 (a) (IV) section was not felt necessary. The suggestions of Secretary Health, Punjab to make SDMs Appropriate authorities at the sub divisional level was also accepted keeping in view the proposed amendments.

b) Recommended amendment to the Section 30 (1) of the PC&PNDT Act.

Designated Committee recommended amending Section 30 (1) of the PC&PNDT Act to assign the authority for Search and Seizure of the clinics to any Group B-Gazetted officer. The recommended amendment was approved by the house

c) Recommended amendment to Rule 3(3)(1)(b) and Section 2 (p) of the PC&PNDT Act.

It was recommended by the designated committee to amend the Rule 3(3) (1)(b) of the PC&PNDT Act, so as to restrict the use of ultrasound machine to the specialised medical practitioners, based on their qualification. In view of dearth of specialist in the country the house felt that this amendment needed more deliberations before finalising and it should be brought before the 17th CSB meeting to be scheduled in February 08.

In view of the fact that there is no recognized qualification in India called a Sonologist or Imaging Specialist the designated committee recommended the

deletion of section 2 (p) of PC&PNDT Act . This deletion was unanimously approved by the House.

d) Recommended amendment to Rule 11(2) of the PC&PNDT Act

It was recommended by the designated committee to amend the Rule 11(2) of the PC&PNDT Act so as to enable confiscation of equipment used in unregistered clinics and taking legal action on the clinics found unregistered under the Section 23 of the PC&PNDT Act. Amendment was approved by the House.

e) Proposed amendment to Section 22(1)(2)(3), 23 (1)(2)(3)(4) and 25 of the PC&PNDT Act

Deliberating on this proposition CSB anticipating a strong deterrence to violators of the Act and accepted Adoption of Graded punishment as per the intensity of the violation of the Act recommended by the subcommittee.

f) Proposed amendment to Section 26 (1) of the PC&PNDT Act.

The recommended amendment of deletion of provisions of section 26 (1) was accepted.

g) Revisiting the condition of giving 15 days notice to Appropriate Authority by NGO/person before approaching the Court

It was agreed to continue with the provision of section 28 (1) of 15 days notice to DAA by NGO/ person before approaching the court.

h) Registering gynecologist doing only genetic counseling Rule 3(1) (i) of the PC&PNDT Act

Upholding the recommendation of the designated committee central supervisory board acknowledged the concern that registration of all of gynecologist will make it difficult to restrict and regulate preconception and pre natal diagnostic techniques. House agreed to continue with the concerned existing provisions of the Act

i) Examine the need of registering the Mobile genetic clinics with portable machines: Section 2 (d)

Members were concerned about the needs of patients who needed bed side diagnostic services during emergencies. The House felt that this recommendation needed more deliberations.

After detailed deliberations following decisions were taken:

1. NIMC will be suitably expanded to enable more frequent visit around the country.
2. Improvisation of form F software to be used for online reporting, separate website for the PNDR and a toll free number for the public complaints to be put in place by the MOHFW
3. Medical Audit of PNDR records kept under the PC&PNDR Act to be finalised and directions issued to the states.
4. Medical audit drive to be started in Delhi and Chandigarh on priority basis for which desegregated district-wise birth registration data for the last five years year wise to be procured from Registrar General of India and hospital wise birth record data for the last five years year wise to be procured from MCD departments of Delhi and Chandigarh
5. Budget allocations to be up scaled to 100 crores for the 11th plan and 20 crores for the 2008-2009 for the Girl child programme
6. Evaluation of MP Scheme in 7 focused states
7. Upscaling of IEC activities to be undertaken
8. National Review meeting of Implementation of PC&PNDR Act in the 10 states in February 09
9. One day workshop with Chief justice of India and Law Ministry be organised in Januarys 2008
10. Training program on PC&PNDR act for the appointed special public prosecutors be finalised
11. Letter to be sent to all states for the constitution of states supervisory boards and assurance of regular meetings of these boards as a mandatory directive under the PC&PNDR law and reminders to be sent all states for the constitution of SIMC in their respective state

12. The amendments which need further deliberations will be submitted in the form of draft amendments for the approval of the Central Supervisory Board in the next meeting.

13. The next meeting of the Board will be organised in the last week of February,

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List of Participant

1. Dr. Anbumani Ramdoss
Hon'ble Minister for Health & Family Welfare **In-Chair**
2. Shri Naresh Dayal
Secretary, H&FW
3. S.K. Das
ADG (Statistics)
4. Sh. G.C. Chaturvedi,
JS& MD (NRHM)
5. Pravir Krishn.
JS
6. Manjula Krishan
Economic Advisor
Ministry of Women & Child Development
Goi.
7. R.K. Srivastava,
(DGHS)
8. Dr., Sunil Khaparde
DC (ID)
9. Dr. R.K. Srivastva
DGHS
10. Dr. Rattan Chand
DDG
11. K. Singh
Director (PNDT)
12. Dr. I.P. Kaur
DC (MH)
13. Sushma Rath,
PAO, NHSRC
14. Ms. Brinda Karat
M.P. (R.S.)
15. Anusuiya Wikey
M.P. (R.S.)

16. Dr. M.S. Ranawat,
Consultant (FW),
Govt. of Gujarat.
17. A.K.Sriivastava
Principal Secretary(H&FW),
Govt. of Megyhalaya,
Shillong
18. T.R. Sarangal
Secretary (Health)
Punjab.
19. Advocate Varsha Deshpande
DMVM Satara,
Maharashtra
20. Dr. J. Thakker,
IRMA,
Coordinator
21. Dr. Sunita A.
State Nodal Officer
Himachal Pradesh
22. Dr. Nozer Sheriar
Treasurer, FOGSI,
23. Dr. S.N. Minn
Secretary General
IMA
24. Dr. Shado Jain,
IMA
25. Dr. K. Saraswathi
Director of Supdt.
Madras Medical College,
Madras
26. Dr. Puneet Bedi
Gynecologist
27. Sanjay Parikh
Advocate (SC)
28. Ranjana Kumari
29. Dr. Madhulika Kabra
Deptt. Pediatrics (Genetics)
AIIMS

30. Anita Shenoy
Advocate (SC)
 31. Prof. Suneeta Mittal
Head of Deptt. Of Obst. & Gynae.
AIIMS, New Delhi
 32. U.K. Gopal,
State Nodal Officer
Punjab
 33. Dhanashri Brahme
UNFPA
 34. Miss Ifat Hamit Social Scientis,
35. NSM& (PNDT)
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