

No. V.11011/01/2015-PNDT
Government of India
Ministry of Health & Family Welfare
(PNDT Section)

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Nirman Bhawan, New Delhi
Dated the 23 July, 2015.

To

The Members
Central Supervisory Board
(As per list enclosed)

Subject: Minutes of the 23rd Meeting of the Central Supervisory Board, held on 24th June, 2015 at Committee Room 2nd Floor, 'A' Wing, Nirman Bhawan, New Delhi – reg.

Sir/Madam,

Please find enclosed herewith the Minutes of the 23rd Meeting of the Central Supervisory Board, constituted under the Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, held on 24th June, 2015 at Committee Room 2nd Floor, 'A' Wing, Nirman Bhawan, New Delhi under the Chairmanship of Union Minister for Health and Family Welfare, for information and record.

2. You are requested to submit your comments on the enclosed Minutes, if any within 21 days of date of this letter.

Yours faithfully,

(D. K. Sahu)

Under Secretary to the Govt. of India

Tel/Fax: 011-23062666

Encl: As Above.

Copy to:

- (1) PS to HFM
- (2) PS to Minister, M/o WCD
- (3) PPS to Secretary (H&FW)
- (4) PS to DGHS
- (5) PPS to AS & MD (NRHM)
- (6) PPS to JS (RCH)

Minutes of the 23rd Meeting of the Central Supervisory Board held under the Chairmanship of Hon'ble Union Minister of Health & Family Welfare on 24th June 2015 at 12.30 pm in 2nd Floor Committee Room, A wing , Nirman Bhawan, New Delhi.

The 23rd Meeting of the Central Supervisory Board (CSB), reconstituted under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was held on 24.06.2015 under the Chairmanship of **Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare**. The list of participants is at **Annexure I**.

Dr. Rakesh Kumar, Joint Secretary (RCH), MoHFW welcomed the members of Central Supervisory Board to the meeting and thanked the Hon'ble Minister for chairing the meeting and members for their presence. He mentioned that the meeting forms a crucial part of the implementation of PC&PNDT Act, 1994 and affirmed that barring a few exceptions, the Ministry of Health and Family Welfare is conducting regular CSB meetings. He said that it is a long battle that we have been fighting against the declining child sex ratio that has fallen from 964 in 1961 to 918 in 2011. He also apprised the members about the recent directions of the Hon'ble Supreme Court of India for the effective implementation of the PC&PNDT Act, 1994 and the efforts being made by the Ministry for follow up action by the states at all the levels. He then requested the Honourable Minister of Health and Family Welfare for his opening remarks.

Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare, reiterating importance of the meeting of the Central Supervisory Board, welcomed

the members for their presence in numbers. He expressed concern over the alarming decline of child sex ratio in the country and said that this issue requires deliberations, both at national and state level so that the PC&PNDT Act is enforced in its true spirit. He said that the Ministry Health and Family Welfare is committed towards this cause and has taken the challenge of improving the Child Sex Ratio for which he urged for joint efforts and full support of all members. He expressed hope that the state governments will accord due priority to this issue and scale up their efforts for this cause. He further invited the members of the CSB to provide their ideas and suggestions that will help in addressing the issue. He further reiterated that regular CSB meetings would prove to be helpful in generating meaningful dialogue and deliberation.

Shri V. Somasundaran, Secretary, Ministry of Women and Child Development updated the CSB members regarding the progress of the national flagship scheme *Beti Bacho Beti Padhao (BBBP)* that is being implemented in the 100 identified gender critical districts. He said that the scheme aims to improve the sex ratio at birth (SRB) by 10 points and Under Five Mortality Rate (U5MR) by 8 points by 2017. He appreciated support and full involvement of the Ministry of Health and Family Welfare in implementation of *Beti Bacho Beti Padhao* scheme and said that continuous dialogue is required from the state governments to sustain this campaign.

Dr. Rakesh Kumar, JS (RCH), then made a presentation on different provisions of the PC&PNDT Act and situational analysis of the declining child sex ratio as per 2011 Census in the country. This was followed by discussion on the agenda for the meeting.

Agenda No.1:

Confirmation of the Minutes of the 22nd Meeting of the Central Supervisory Board

The CSB confirmed the Minutes of the 22nd Meeting.

Agenda Item No.2:

Action Taken Report on decisions taken in the 22nd Meeting of the Central Supervisory Board held on 13. 10.2014

JS (RCII), MoHFW presented the Action Taken Report with regard to the decisions taken during the 22nd CSB meeting. The JS (RCH) informed that as per the recommendations of CSB, advisories have been issued to all the States and UTs with regard to the following:

- Developing a comprehensive website with online grievance/complaint portal for receiving complaints against the unethical practice of sex selection
- The State Appropriate Authority, as an appellate authority having jurisdiction for the whole state, is empowered to direct the district authorities regarding the implementation of the PC & PNDT Act
- Closing down of unused/idle or surrendered ultrasound machines by the District Appropriate Authorities under the term **“Voluntary Decommissioning of the Machines”** “at an appropriate place to avoid legal procedures of de-sealing

- Conducting the medical audit of all forms- D, E, F and G maintained under PC & PNDT Act by the District Appropriate Authorities for the purpose of monitoring.

JS (RCH) apprised the members that the **Ministry of Environment, Forest and Climate Change** has been approached for bringing about amendments which should include regulation of refurbished ultrasound machines in the notification S.O. 3100(E) dated 1st October, 2013. It has been further recommended to include a provision in the e-waste (Management and Handling) Rules, 2011 for the disposal of the unused ultrasound machines both with residual shelf life or end of shelf life.

Similarly, the **Drugs Food Quality Control Division (DFQC), Ministry Health and Family Welfare** has been asked to include Ultrasound machines and its accessories under Section 3 of the Drugs and Cosmetics Act, 1940 as per the decision of 22nd CSB meeting. He further informed that the Ministry of Health and Family Welfare is following up with the **Directorate General of Foreign Trade** to include the clause to ban the import of second hand ultrasound machines in the Import Policy. He stated that these matters are being pursued with the concerned Ministries for necessary action.

Regarding the recommendation of accelerating the pace of 100% civil registration of births to get real time data on Sex Ratio at Birth (SRB) for regular monitoring and review, he informed that the Registrar General of India (RGI) has given the target of cent percent registration of universal civil registration of births to all the states. The RGI has issued necessary directions in this regard vide DO letter dated 11th February, 2014. [Copy annexed for reference at Annexure I (a)]

JS (RCH) informed the CSB members that the necessary inputs have been provided on the Draft ART Bill, 2013 for mandatory registration of ART/IVF Clinics and maintenance and preservation of records under PC&PNDT Act by these facilities. The Draft ART Bill, 2013 has been proposed for the regulation of ART Clinics and ART Banks in the country by the Indian Council of Medical Research (ICMR).

Agenda Item No. 3:

Recent initiatives taken by MoHFW and the status of implementation of PC & PNDT Act in the States

JS (RCH) outlined the recent initiatives taken by the Ministry and informed that the monitoring of the PC&PNDT Act has been scaled up. He stated that the National Inspection and Monitoring Committee (NIMC), has carried out a total of 19 inspections covering 38 districts of 19 States/ UTs during 2014-15. As a result of these inspections, 19 clinics and 9 ultrasound machines have been sealed, 17 clinics were recommended for sealing and 16 on the spot show cause notices have been issued against the non-complying clinics.

He stated that the Ministry of Health and Family Welfare has scaled up the monitoring and review of the implementation of the Act and capacity building of all the stakeholders. He informed that the implementation of PC&PNDT Act across the country has been reviewed by conducting five regional review workshops at Chandigarh, Ahmedabad, Mumbai, Imphal and Bhubneshwar during 2014-15. He added that capacity building and review workshops were conducted one day prior to the regional consultations under “*Beti Bachao, Beti Padhao*” scheme. The objective of these workshops was to ensure that the Appropriate Authorities are adequately trained

for the effective implementation of the flagship scheme in the 100 gender critical districts of the country.

As a part of the new initiatives, JS (RCH) further informed that the Ministry is in the process of developing Standard Operational Procedures (SOPs) for the effective and standard implementation of PC&PNDT Act.

As regards the status of implementation of the PC&PNDT Act, JS (RCH) mentioned that till date a total of 2022 cases have been filed, 271 convictions secured and 97 medical licenses of the convicted doctors have been suspended by the respective State Medical Councils under the PC&PNDT Act. The progress made during the last year has shown significant improvement in the effective implementation of PC& PNDT Act from the previous year, which was appreciated by the CSB members.

Subsequently, the CSB members shared their views and made several observations. The representatives of the **Indian Radiological and Imaging Association (IRIA)** raised the issue of graded punishment. They were of the view that major and minor offences under the PC&PNDT Act require to be segregated and punishment and penalty need to be accordingly prescribed. IRIA also suggested that the Ministry may utilise the Mother and Child Tracking System (MCTS) to ensure cent percent registration of early pregnancies in the States/ UTs.

Dr. Sudha Prasad, HOD Obstetrics & Gynecology, Maulana Azad Medical College, was of the view that the formats meant for IVF/ ART centres under the PC&PNDT Act may be specified so that it may become easier for these centres to maintain the required reports for the procedures being carried out in their centres.

Dr Sarojini Director, Sama: Resource Group for Women and Health, said that the Draft ART Bill 2013 has not looked into the advancement in technology in terms of embryo selection and other Pre-implantation Genetic Diagnosis (PGD) techniques and that needs to be included for wider regulation of ART technologies.

Dr. Kamal Buckshee, Senior Consultant, Obstetrics & Gynecology, Apollo Hospital advocated that the Pre-implantation Genetic Diagnosis (PGD) and Pre-implantation Genetic Screening (PGS) having the potential of sex determination, need to be brought under the purview of the PC&PNDT Act, 1994 and the ART/IVF Bill, 2013. She said that these technologies have cross boundary international repercussions.

Dr Rattan Jain, Mayor, Kota Municipal Corporation, suggested that it may not be required to keep the hard copies of the records once the online system for submission is institutionalised. The signatures of the performing doctor and the client may be taken in digital form wherever possible. However, a few CSB members also mentioned the fact that all the records maintained by the diagnostic facilities have to be preserved for minimum two years under the PC&PNDT Act, 1994.

Dr Ranjana Kumari, Director, Centre for Social Research, was of the opinion that the punishment for sex selection under the PC&PNDT Act may be enhanced to a maximum of 12 years. She also suggested that there is a need to review the initiatives and to learn from the experiences of the countries including South Korea, Vietnam, who are facing the similar problem.

Regarding the registration of Veterinary Clinics, **Ms Ena Singh, Assistant Representative of the United Nations Population Fund (UNFPA) in India**,

suggested that the Veterinary clinics using ultrasound machines may be granted one time registration under PC&PNDT Act and may be monitored by the concerned Appropriate Authorities as and when required.

Dr. K K Aggarwal, Secretary –General, Indian Medical Association suggested that all the professional bodies have to take up the issue of sex selection in their forums and stand against the professionals who are involved in such practices.

The CSB members welcomed the proposal of banning the import of second hand ultrasound machines in the country.

Agenda Item No. 4:

Amendments Proposed to the PC& PNDT Act

The list of draft amendments to the Act proposed by the Amendment Expert Committee was placed before the 22nd CSB and it was decided that the comments will be sought from all the members. In this regard, it was informed that the Ministry has received comments from the Ministry of Law and Justice, UNFPA, IRIA and from Dr. Rajnikant Contractor. The same were placed before the CSB for deliberations. The IMA representative, Dr. K. K. Aggarwal informed that they have forwarded their inputs on the proposed amendments. However as the Ministry has not received the comments, IMA agreed to resend a copy of the same.

Initiating the discussion on the proposed amendments, **Shri Bhanu Pratap Sharma, Secretary, Health and Family Welfare** urged all the CSB members to provide their inputs and comments on the proposed amendments to the Act so that the same could be finalized and placed before the CSB for final consideration. It was decided that comments will be sought from all the members in writing and will be

examined internally for their practicability, before the required amendments are finalized.

Agenda Item No. 5

The registration of Veterinary Hospitals/ Clinics using ultrasound machines was considered to be mandatory under the PC&PNDT Act in the 22nd CSB. However, the Veterinary Council of India (VCI) had been requested for clarifying/ confirming the requisite qualification for the veterinary professionals to use the ultrasound machine. On the subject, the VCI representative, **Dr. B Srinivas** informed that the proposal is under consideration of the VCI and assured that it will be communicated soon to the Ministry.

Dr. B Srinivas stated that the ultrasound machines are only used for dogs and horses in pet clinics in the metropolitan cities. It was stated that according to the representations received by the Ministry, the ultrasound machines procured in bulk by the Animal Husbandry Departments in the states of Punjab, Uttar Pradesh, and Maharashtra are still not registered under PC&PNDT Act and the matter will be taken up directly with the Department of Animal Husbandry, Govt. of India.

At The conclusion of the meeting, **Shri Bhanu Pratap Sharma, Secretary (Health and Family Welfare)** reiterated that all steps will be taken to ensure effective implementation of PC&PNDT Act and compliance of the orders of Hon'ble Supreme Court of India. He thanked members of the CSB for their valuable insights and suggestions.

The meeting ended with vote of thanks by Secretary Health and Family Welfare to the Chair for his guiding presence.

**LIST OF PARTICIPANT OF 23rd MEETING OF THE CENTRAL SUPERVISORY BOARD
HELD ON 24.06.2015 AT NIRMAN BHAWAN, 2nd FLOOR COMMITTEE ROOM , NEW
DELHI**

1. **Sh. J. P. Nadda**, Union Minister of Health & Family Welfare
2. **Dr. (Smt.) Bharti Dhirubhai Shiyal**, Member Parliament (Lok Sabha)
3. **Shri Bhanu Pratap Sharma**, Secretary, Ministry of Health & Family Welfare
4. **Shri V. Somasundaran**, Secretary, Ministry of Women and Child Development,
5. **Dr. Jagdish Prasad**, Director General of Health Services, Ministry of Health & Family Welfare
6. **Shri Ramayan Yadav**, Joint Secretary & Legal Advisor, Department of Legal Affairs,
Ministry of Law & Justice.
7. **Dr. Manoj Nesari** , Advisor (Ayurveda), Ministry of AYUSH
8. **Dr. Rakesh Kumar** Joint Secretary (RCH), Ministry of Health & Family Welfare
9. **Shri Arvind N Mishra** Principal Secretary (Health &FW), Governmet of Uttar Pradesh
10. **Dr. Kamal Buckshee** Senior Consultant, Obstetrics & Gynecology, Apollo Hospital, New
Delhi
11. **Dr. Rajnikant H. Contractor**, Gynaccologist & Obstetrician, Gujarat
12. **Dr. Nomita Chandiook**, Senior Scientist, Indian Council for Medical Research
13. **Dr. V.K. Paul**, Professor& Head, Department of Paediatrics, All India Institute of Medical
Sciences
14. **Dr. Ranjana Kumari**, Director, Centre for Social Research
15. **Prof. Nahid Zafar Shaikh**, Mmember, Maulana Azad Education Foundation
16. **Dr. M. Sarojini**, Director, Sama: Resource Group for Women and Health
17. **Mrs Sudha Chaudhary** Law officer, National Commission for Women
18. **Dr. Ram Adhar**, Joint Director F.W., Government of Uttar Pradesh
19. **Dr. R.K. Halder**, State Family Welfare Officer, Department of Health, Government of
Andaman & Nicobar Island
20. **Dr. Kamla Singh** DGHS, Health Department, Government of Haryana
21. **Dr. Saroj Nathani**, Joint Director (Medical, Health & F W), Government of Uttarakhand
22. **Dr. Abha Maugai**, Director (Medical Health & FW), Government of Uttarakhand
23. **Dr. Nishith Baran Mondal**, Government of West Bengal
24. **Dr. Jignesh Thakker** President, Indian Radiological Association,
25. **Dr. O.P. Bansal**, Representative, Indian Radiological Association
26. **Dr. K. K. Aggarwal**, Secretary –General, Indian Medical Association

27. **Dr. ADDA Rao**, Representative, Indian Medical Association.
28. **Dr. N. Apparao** National Leader, Indian Medical Association
29. **Dr. Prakash Trivedi** President, The Federation of Obstetric and Gynaecological Societies of India (FOGSI)
30. **Dr. Ratna Jain** Mayor, Kota Municipal Corporation, Gujarat
31. **Ms Ena Singh**, Assistant Representative of the United Nations Population Fund (UNFPA) in India
32. **Dr. Jayshreeben Mehta** President, Medical Council of India
33. **Dr. B Srinivas**, ADG (ME), Veterinary Council of India
34. **Dr. Sudha Prasad**, HOD Obstetrics & Gynecology, Maulana Azad Medical College, New Delhi
35. **Ms Bindu Sharma**, Director (RCH) , Ministry Health & FW
36. **Dr. Manisha Verma** Director (Media), Ministry Health & FW
37. **Mr. Dilip Kumar Sahu**, Under Secretary (PNDDT), Ministry Health & FW