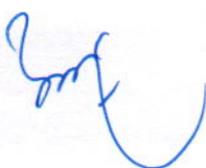


Minutes of the 26th Meeting of the Central Supervisory Board (CSB) held under the Chairmanship of Hon'ble Union Minister of Health & Family Welfare on 24th January, 2018 at 4.30 pm in Committee Room No.249-A Nirman Bhawan, New Delhi.

The 26th 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 24.01.2018 under the Chairmanship of **Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare.** The list of participants is at **Annexure I.**

Smt. Preeti Sudan, Secretary (Health & FW), MoHFW welcomed the members especially the new non-official members of Central Supervisory Board to the meeting and thanked the Hon'ble Minister for chairing the meeting and members for their presence. She said that this meeting is very opportune, considering the fact that 24th January is observed as the National Girl Child Day. Taking pride in being part of the CSB meeting she stated that her new position as Secretary HFW will provide her opportunity to continue her work towards the survival and health of girl child that she started in Ministry of Women and Child Development (WCD) by spearheading the Beti Bachao Beti Padhao Scheme. She reiterated the fact that the effective implementation of PC&PNDT Act in terms of creating deterrence against sex selection has vehemently contributed towards accomplishments achieved under Beti Bachao Beti Padhao Scheme in the States/ UTs. She highlighted the initiatives taken in the better performing states of Haryana and Rajasthan, especially the very



effective decoy operations undertaken in these states that has proved to be a big deterrence to curb the illegal practice of sex selection.

She then requested **Smt. Vandana Gurnani**, Joint Secretary to share Action Taken Report on the decisions taken in 25th CSB meeting and the agenda items of this meeting.

Smt. Vandana Gurnani, JS (RCH), presented the action taken report and the agenda for the meeting.

Agenda No.1:

Confirmation of the Minutes of the 25th Meeting of the Central Supervisory Board

The CSB confirmed the Minutes of the 25th Meeting.

Agenda Item No.2:

Action Taken Report on decisions taken in the 25th Meeting of the Central Supervisory Board held on 24.01.2018

JS (RCH), MoHFW presented the Action Taken Report with regard to the decisions taken during the 25th CSB meeting. The JS (RCH) informed that the Ministry of Health and Family Welfare have notified rules for manner of Appeal under the PC & PNDT Rules, 1996 vide no. GSR 492(E) dated 22.05.2017 after the consideration in the 25th CSB meeting. The copy of the notification was placed before the CSB for reference.



Highlighting the main features of the rules JS (RCH) said that these rules will facilitate the states/ UTs to notify Appellate Authorities who will address the appeals against the orders passed by the States/ UTs Appropriate Authorities. She further said that under these rules, time lines have been provided for filing and disposal of appeals and requisite formats for submitting the appeal have also been prescribed. She informed that the rules have been communicated to the States to appoint State Appellate Authority and at least 50% of states have already appointed the state Appellate Authorities. She further informed that the UTs have been requested to nominate Appellate Authority that will be notified by GOI under these Rules

Apprising on the compliance of Supreme Court Judgement passed by the Supreme Court, JS (RCH) informed that all the concerned Ministries have been informed regarding the specific direction provided in the judgement: Registrar General of India (RGI) for tracking and display of the sex ratio at birth as per birth registration; Ministry of Law & Justice (MOLJ) for monitoring of PNDDT court cases and training of judiciary on the PC&PNDDT Act; Ministry of Women & Child Development (MWCD) for incentive schemes for the Girl Child and the copies of the communications were placed before the board for reference.

JS (RCH) updated the Board also on the action taken on agenda item 5 of the 25th CSB that was regarding the proposal to set pecuniary punishments for the offences including not wearing of name plate on the dress, not keeping a copy of the Act in the registered medical facility, and not displaying the board disclaiming sex selection at a prominent place in the medical facility prescribed under PC&PNDDT Rules. Further, the proposal was to include a declaration from the patient for



confirming the veracity of his/her personal details recorded in Section A: 3, 4, 5 and 6 of Form F. JS (RCH) explained that as per the recommendation of CSB in its 25th meeting legal opinion was sought from the Ministry of Law and Justice in view of the Supreme Court directions regarding the amendments in the PC&PNDT Act and Rules in its judgement dated November 8, 2016 in a Writ Petition Civil (WP). No. 349 of 2006: Voluntary Health Association of Punjab (VHAP) Vs Union of India & ORS. The same was pursued with the MOLJ and the Ministry of law has advised to deliberate and decide on the options for such amendments in the PC&PNDT Act. She further informed that the plausible options are being examined accordingly.

JS (RCH) also informed that the rules for exemption of registration/ renewal fee for the Government diagnostic facilities under the PC & PNDT Act have been notified vide no. GSR 599(E) dated 19.06.2017 and the copy of the same was placed before the board for reference. She further stated that this amendment will unburden the States/Uts from the unnecessary financial transaction between different government accounts and will ease out the process of registration for the government facilities under the PC&PNDT Act.

JS (RCH) apprising on the progress made for including ultrasound and similar medical equipments capable of sex selection under the Medical Devices Rules 2014 said that Drug Regulation Division under MOHFW has submitted the proposal to the Central Drugs Standard Control Organisation (CDSCO). She added that CDSCO has informed that the proposal will be placed as an agenda for consideration in the 78th DTAB meeting scheduled to be held on 12th February, 2018. The recommendation of Drug Technical Advisory Board (DTAB) will be communicated by CDSCO to this



Ministry for further action regarding issue of the notification accordingly. She added that this amendment will ensure that all the manufactures, importers and refurbishers of such machines are monitored/ regulated for selling these equipments only to the registered facilities under the PC&PNDT Act,

JS (RCH) informed that as recommended by the CSB in the 25th meeting, an interim advisory for registration of manufactures of Ultrasound/ other imaging devices at the State/ UT level has been issued to all States/UTs till appropriate amendments are made in the Medical Devices Rules 2014.

JS (RCH) further said that as suggested by the CSB States/UTs have also been requested to explore the possibilities of utilizing the sealed ultrasound machines under the PC&PNDT Act for the benefit of common public in the Government hospitals after seeking appropriate legal opinions from their concerned law departments.

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. She stated that the National Inspection and Monitoring Committee (NIMC) have carried out a total of 16 inspections covering 32 districts during 2017-18. As a result of these inspections she informed that during this year NIMC facilitated filing of 2 cases, sealing of 16 machines and issuing of 10 show-causes for the violations of PC&PNDT Act

She also reported that States/ UTs Inspection and Monitoring Committees (SIMC) have conducted 3,57,511 inspections across the country till today and in the



last quarter (July-September 2017), the State of Maharashtra conducted maximum inspections (7684) followed by Punjab (1385) and Uttar Pradesh (1206).

Continuing on the monitoring front she apprised that regular review meetings are being organized at the regional level every year: four in 2016-17 and two in the current year till January 2018.

She informed that the Ministry of Health and Family Welfare is continuously getting support from the National Judicial Academy for the sensitization and orientation of Judiciary. She said that the National Judicial Academy (Bhopal) has conducted special PC&PNDT Act sessions in the orientation programmes for the High Court judges in 2017-18 besides one in 2016- 2017 in Bhopal in which 57 Judicial Magistrates were sensitised from all over India.

She also mentioned that the National Capacity Building Programme for State/UT Appropriate Authorities, State Nodal Officers and the State Master Trainers was organized during 9th -10th, October 2017 in which 72 master trainers were trained on the different aspects of the PNDT programme.

She apprised the CSB on the status of court cases in the various courts at the Center in which Union of India is a respondent and informed that there are total 107 such cases pending before various Courts: 70 are pending in various High Courts and 37 before the Supreme Court.

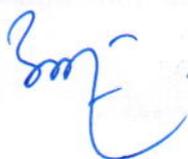
She further reported that a national level consultation meeting was conducted on 13th January 2017 for the standardisation of online Form F for minimizing clerical errors and to prevent unwarranted cases against the doctors. She further stated that an advisory specifying common minimum standard for developing form F software has been sent to all the States/ UTs.



Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare and **Smt. Preeti Sudan**, Secretary (Health & FW) both appreciated this effort and said that it will address the issue of clerical errors in the reporting formats including D, E and F prescribed under the PC&PNDT Act which has led to the displeasure of many medical practitioners conducting the prenatal diagnostic procedures having potential of sex determination and sex selection of the foetus. **Shri Jagat Prakash Nadda**, Union Minister for Health & Family further said that the online record maintenance software for PC& PNDT Act should be included in the PIP guidelines of the PNDT programme and all the states must be directed to mandatorily propose the financial support for the same, without which, the PIPs may not be considered.

JS (RCH), acknowledging the requirement expressed by **Shri Jagat Prakash Nadda**, Union Minister for Health & Family, said that MOHFW have been approving the proposal for online record maintenance software as per the requirements of many states in PIPs under NHM but now with the approval of the **Chair** this activity will be made prerequisite as for seeking approvals for PNDT under the NHM. She further informed that in 2017-18, MOHFW has given 37% higher approval for PNDT activities: Rs 26 cores as compared to Rs. 19 cores in 2016-17.

As regards the status of implementation of the PC&PNDT Act, JS (RCH) mentioned that till date a total of 2695 cases have been filed, 441 convictions secured and 118 medical licenses of the convicted doctors have been suspended by the respective State Medical Councils under the PC&PNDT Act. The improvement made during last year in terms of cases filed and convictions secured under the PC& PNDT Act from the previous year was appreciated by the CSB members.

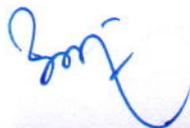


Agenda Item No. 4:

Clarification regarding whether the Ultrasound used for Ophthalmology purpose has to be registered under PC&PNDT Act:

JS(RCH) introduced the agenda by restating that under the PC&PNDT Act all the facilities engaged, either partly or exclusively in counselling or conducting the diagnostic techniques/ test/ procedures with the potential of sex selection are required to register. She said that as mandated under the PC&PNDT Act, the Appropriate Authority Pune accordingly issued a public notice dated 23.09.2015 instructing all ophthalmologists using ultrasound equipment (A scan, B Scan & Ultrasound Bio-microscope (UBM) to register with PC&PNDT Act Authority on or before October 2015, failing which penal action under Section 23 and also under Rule 11(2) shall be taken. She further said that this order was challenged by the Poona Ophthalmological Society in Bombay High Court and GOI was made respondent pleading that ultrasound equipments used for ophthalmic purpose are incapable of determining the sex of the foetus and hence, the facilities using ultrasound equipment for ophthalmic purpose need not be registered under the PC&PNDT Act.

She elaborated on the matter and said that GOI had to clear their stand and defend the provisions of the PC&PNDT Act in the High Court. She further reported that accordingly MOHFW constituted a technical committee comprising of experts from MoHFW, ICMR and AIIMS to provide the requisite technical inputs in the affidavit to be submitted in the Hon'ble Bombay High Court. She said that the Expert Committee after detailed deliberations concluded that umbrella immunity to ophthalmologist practitioner cannot be provided since the machines used for ophthalmic that is usually scan A (*not potential of sex selection*) have possibility of



up-gradation to B scan and also there is a likelihood of attaching multiple probes in the ultrasound machines, hence could be misused to detect the sex of the fetuses. Henceforth all facilities engaged, either partly or exclusively in counselling or conducting the diagnostic techniques/ test/ procedures with the potential of sex selection are required to register under the PC&PNDT Act. She informed that an affidavit has been filed accordingly in the High Court.

However, to utilize the technical inputs of the Expert Committee it was proposed that on the basis of these inputs Ministry may issue a clarification to all States/ UTs to ensure complete compliance of the PC&PNDT Act and further to avoid such pleas/petitions. The proposal was considered and accepted by the CSB and members said that it will also provide the opportunity to resolve the confusions related to the registration of ultrasound facilities used for other specialization including echocardiography, urology and others.

Agenda Item No. 5

Clarification regarding the provision of Tele-reporting of diagnostic procedures under PC&PNDT Act

JS (RCH) introduced the agenda of Tele-reporting and informed that many states including Haryana, Tamil Nadu, Andhra Pradesh had sought clarification and permission regarding the use of tele-reporting of diagnostic procedures (Ultrasound/ CT Scan/ MRI etc) in the Public Health facilities in the areas where there is dearth of specialist. JS (RCH) explained the process of Tele-reporting and said that it includes sending of the images of the diagnostic procedure conducted at a primary or secondary



public health facility to a specialist sitting at a distant place through electronic medium and getting the relevant reports.

She informed that the PC&PNDT Act is silent on the method of tele-reporting however, the Act mandates that only qualified doctor as prescribed under the Act shall conduct the pre-conception and pre natal diagnostic techniques that have the potential of sex selection or sex determination of the foetus.

Smt. Preeti Sudan, Secretary HFW added that such options may help to provide an important and critical medical diagnostics through public health facilities in the remote areas.

In this regard the CSB members including **Dr. Ramji** and **Dr. Neelam Singh** responded by apprising the board that the ultrasound images are dynamic in nature and are very difficult to interpret through Tele-reporting. They further said that the images captured during the ultrasound procedure are captured as per the requirements and are operator specific. They added that only the conducting doctor could interpret the actual images best in the real time.

After due deliberation, it was concluded that Tele-reporting, if allowed for ultrasound scans will rampantly increase its misuse rather than contributing towards health care. Hence, issue of any clarification may be deferred and Status quo be maintained.

Agenda Item No. VI:

Supreme Court Judgement in WP 341/2008 Dr. Sabu Mathew George Vs

UOI & Ors



In the last agenda item, JS (RCH) apprised the Board on the writ petition (WP) 341/2008, Dr. Sabu Mathew George Vs Union of India (UOI) & Ors regarding the provisions of the PC&PNDT Act that has been decided by the Hon'ble Supreme Court. JS (RCH) informed that the writ petition was filed by Dr Sabu George in 2008 against the search engines- Google, Microsoft and Yahoo and UOI for the violation of Section 22 of the PC&PNDT Act that prohibits advertisement on sex selection through any medium including internet.

She stated that the writ petition was argued in the Supreme Court for almost a decade by all the respondents and various directions were given by the Hon'ble Court to all the respondents from time to time. JS (RCH) said that Hon'ble Supreme Court gave interim directions on 6.11.2016 to constitute a Nodal Agency to receive complaints against the violations of Section 22 for internet advertisements. She further said that final judgement in the matter was pronounced on 13.12 2017 by the Hon'ble Supreme Court whereby, Hon'ble Court has given final directions to UOI to constitute an inter-ministerial Expert Committee. The Expert Committee along with national Nodal Agency is directed to take assistance of petitioner's lawyer Shri Sanjay Parikh and his team for having holistic understanding and approach to the problem and Google, Microsoft and Yahoo are directed to appear before the Expert Committee for ensuring 100% compliance of the relevant provisions of the PC&PNDT Act accordingly.



Smt. Preeti Sudan, Secretary HFW, then invited the two best performing states including Haryana and Rajasthan to present the initiatives taken under PC&PNDT Act in their respective state.

Dr. Jasjeet Kaur, Deputy Director representing the Government of Haryana presented the initiatives taken in their state. She informed that Haryana has conducted highest decoy operations (338) in the country through their informer scheme that has helped to nab 77 people involved in the illegal practice of sex selection. She further added that under this scheme the district Appropriate Authorities across the districts have been galvanized and 129 informers have been incentivized. She was happy to share that these initiatives have created deterrence against the sex selection and have resulted in the improvement of sex ratio at birth from 817 in 2014 to 914 in 2017. Further she mentioned that the biggest achievement is that 18 districts out of total 21 districts have crossed the 900 girls/ 1000 boys mark.

Shri. Raghuveer Singh, State Nodal Officer –PNDT Rajasthan made presentation on the initiatives taken in the state of Rajasthan. He highlighted the main initiatives and informed that total 101 decoy operations have been conducted that has resulted in various convictions under PC&PNDT in the state. He said that the state of Rajasthan has been innovative in forming a dedicated Police Bureau at the state level for the PC&PNDT Act and related laws. He stated that to make the punishments more stringent for the violators state has also used related provisions of the Code of Criminal Procedure (CrPC) to complement the provisions of the PC&PNDT Act. He further informed that the State is taking various initiatives to address the demand side by reaching out to young people through schools and colleges.



Smt. Preeti Sudan, Secretary HFW applauded the tremendous efforts and outstanding initiatives taken by the states of Haryana and Rajasthan and congratulated both the states for improving their sex ratio at birth. She then invited **Dr.Gaurav Dahiya**, Mission Director, Government of Gujarat to share the status of PC&PNDT Act in his state.

Dr.Gaurav Dahiya said Government of Gujarat is implementing the PC&PNDT Act however they are facing challenges in regulating the bordering districts where cross border illegal practice of sex selection could be happening. He further said that Government of Gujarat is also working rigorously on the demand side and have taken various IEC activities through print, electronic and mass media.

Smt. Preeti Sudan, Secretary HFW, in response to the initiatives taken by Government of Gujarat recommended that the state should also address the supply side and focus on the effective implementation of regulatory provisions of the PC&PNDT Act.

Smt. Preeti Sudan, Secretary HFW concluded the deliberations by requesting Hon'ble Minister for Health and Family Welfare the **Chairperson** to give his concluding remarks.

Hon'ble Minister for Health and Family Welfare, **Shri Jagat Prakash Nadda and Chairperson** said that this meeting is happening on the National Girl Child day and it is expected that we all contribute towards the protect and development of Girl Child. He further said that he is deeply committed to this cause and will render full support of his Ministry to improve the demographic imbalance.

He further said that all members are welcome to contribute in improvising the strategies and infusing new ideas in this programme and for that it is not necessary

that the board always meets physically. He added that in the age of technology there are so many gateways to deliberate, discuss and engage amongst each other and share our ideas and inputs so that we can contribute towards this cause. He stated that collective wisdom of all the members will help us to face this challenge successfully and will take us in the right direction.

He concluded the meeting by thanking all members of the CSB for their active participation, valuable insights and suggestions that will guide the Ministry in addressing the issue of declining Child Sex Ratio.

Then **Smt. Preeti Sudan**, Secretary HFW Secretary Health and Family Welfare thanked the Chair for his guiding presence.

The meeting ended with vote of thanks by Director (RCH) to the Chair and all the members of the Board.

.....

