

No. V.11011/07/2015-PNDT  
Government of India  
Ministry of Health & Family Welfare  
(PNDT Section)

Nirman Bhawan, New Delhi

Dated the ~~May~~, 2016  
01, June

To

The Members  
Central Supervisory Board  
(As per list enclosed)


Subject: Minutes of the 24<sup>th</sup> Meeting of the Central Supervisory Board, held on 5<sup>th</sup> April, 2016 at Dr. Ramalingaswami Board Room, AIIMS, New Delhi – reg.

Sir/Madam,

Please find enclosed herewith the Minutes of the 24<sup>th</sup> Meeting of the Central Supervisory Board, constituted under the Pre-conception & Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, held on 5<sup>th</sup> April, 2016 at Dr. Ramalingaswami Board Room, AIIMS, 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 the 15 days of date of this letter.

Yours faithfully,

  
(Bindu Sharma)  
Director (PNDT)

Tel/Fax: 011-23061333

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 (NHM)
- (6) PPS to JS (RCH)

## **Central Supervisory Board (CSB)**

### **Ex-Officio Members:**

1. Shri J. P. Nadda, Union Minister of Health & Family Welfare – Chairman
2. Smt. Maneka Sanjay Gandhi, Cabinet Minister, Ministry of Women and Child Development – Co-Chairman
3. Shri Bhanu Pratap Sharma, Secretary, Ministry of Health & Family Welfare- Vice-Chairman
4. Dr. Jagdish Prasad, Director General of Health Services.
5. Joint Secretary & Legal Advisor, Deptt. Of Legal Affairs, Ministry of Law & Justice.
6. Advisor (Ayurveda), Deptt. of AYUSH, MoHFW.
7. Ms. Vandana Gurnanai, Joint Secretary (RCH), MoHFW – Member Secretary.

### **Non-Official Members:**

8. Dr. Kamal Buckshee, Former Head, Deptt. of Obstetrics & Gynaecology, AIIMS, New Delhi
9. Dr. Rajnikant H. Contractor, Gurukrupa Maternity Nursing, L-88, Swatantra Senani Nagar, Opp. Akhabarnagar Bus Stand, New Vadaj, Ahmedabad – 380013, Gujarat
10. Dr. Shubha R. Phadke, SGPGI, Lucknow.
11. Dr. Chandiook, Scientist, C.C.M.B., Hyderabad.
12. Dr. V.K. Paul, Prof. & Head, Dept. of Paediatrics, AIIMS, New Delhi.
13. Dr. Rashmi Kumar, Head, Deptt. of Paediatrics, King George Medical University, Lucknow.
14. Smt. Vani Tripathi Tickoo, C/1/7 PDI, Sahara Grace, Behind Sahara Mall, Chhattarpur, Gurgaon (Haryana).
15. Dr. Ranjana Kumari, Director, Centre for Social Research, New Delhi.
16. Prof. Nahid Zafar Shaikh, 104, Green Park, Ekta Marg, Maruti Mandir, Ratnagiri – 415612, Maharashtra
17. Dr. M. Sarojini, Director, SAMA, New Delhi.

### **Women Members of Parliament:**

18. Dr. (Smt.) Kakoli Ghosh Dastidar, MP (Lok Sabha)
19. Dr. (Smt.) Bharti Dhirubhai Shiyal, MP (Lok Sabha)
20. Dr. Vijaya Laxmi Sadho, MP (RS)

**State/UT representatives:**

21. Secretary (Health &FW), UT of Andaman & Nicobar Island.
22. Principal Secretary (Health &FW), Govt. of Andhra Pradesh.
23. Principal Secretary (Health &FW), Govt. of West Bengal.
24. Principal Secretary (Health &FW), Govt. of Uttarakhand.

**Special Invitees:**

25. President, Indian Radiological & Imaging Association
26. Secretary General, Indian Medical Association.
27. President, FOGSI.
28. Dr. Ratna Jain, Mayor of Nagar Nigam Kota, Rajasthan.
29. Principal Secretary (Health &FW), Govt. of Haryana.
30. Commissioner & Principal Secretary (Health &FW), Govt. of Gujarat.
31. Secretary (Health &FW), Govt. of Punjab.
32. Member-Secretary, National Commission for Women.
33. Dr. Neelam Singh, Advocate, Supreme Court of India
34. Ms. Ena Singh, UNFPA Representative in India.
35. Principal Secretary (Health &FW), Govt. of Rajasthan
36. Principal Secretary (Health &FW), Govt. of Uttar Pradesh
37. Secretary, Ministry of Women and Child Development, Government of India
38. Chairman, Board of Governors, Medical Council of India.

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**Minutes of the 24<sup>th</sup> Meeting of the Central Supervisory Board held under the Chairmanship of Hon'ble Union Minister of Health & Family Welfare on 5<sup>th</sup> April, 2016 at 3.00 pm in Dr. Ramalingaswami Board Room, AIIMS, New Delhi.**

The 24<sup>th</sup> 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 05.04.2016 under the Chairmanship of **Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare** along with **Smt. Maneka Gandhi, Minister of Women and Child Development**. 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 Ministers for chairing the meeting and members for their presence. He said that the CSB meeting gives an opportunity to evaluate all the initiatives taken towards curbing declining Child Sex Ratio and to plan the way forward. He acknowledged the fact that the multidisciplinary constitution of the CSB helps us to deliberate on aspects related to this issue. He said that the implementation of the Act has been successful in terms of creating deterrence in the society against sex selection, though much needs to be done in this direction. He highlighted the initiatives taken in the better performing states of Haryana, Maharashtra and Rajasthan, especially the nabbing operations undertaken in these states that have proved very effective and helped to expose the inter-state, inter-district, and intra-district Sex selection rackets and proved to be a big deterrence to curb the illegal practice of sex selection. He also said that **Beti Bachao Beti Padhao** campaign that is mainly focussing on awareness and creating

Girl Child friendly environment in the society has also helped in curbing the demand side. He then requested **Shri Jagat Prakash Nadda, Hon. Union Minister for Health & Family Welfare** and **Smt. Maneka Gandhi, Hon. Minister of Women and Child Development** for their opening remarks.

**Smt. Maneka Gandhi, Minister of Women and Child Development**, stressed the need for community participation and said that it is important to involve parents, family and community at large. She shared the experience of involving parents and women champions in spreading awareness among the community for creating girl child environment in the **Beti Bachao Beti Padhao** campaign in Haryana. She said that the regulation of supply side has to be supplemented with consistent and sustained efforts for behavioural change for girl preference in the society, so that parents don't seek such services/technologies as to eliminate their girls. She further said that the implementation of the law should not lead to harassment of ethical and good doctors.

**Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare**, reiterating the importance and relevance of the Central Supervisory Board said, that it is the apex body provided under the PC&PNDT Act that can take effective and appropriate decisions to tackle the problem of sex selection in the country. He said that we should understand that sex selection is a problem created by modern age, here the unethical medical practice has led to the misuse of technology for sex selection following by the pre-birth elimination of girls in this country. He emphasised that while the medical fraternity should take the responsibility and do the introspection the parents, families and society at large should also simultaneously start valuing and protecting the girl child. He further called upon all the members of the Central

Supervisory members to contribute as an awakened citizen of this country and contribute towards solving the problem of declining Child Sex Ratio by curbing sex selection and stopping the elimination of girls in this country. Further, they have to think beyond themselves and their organisation and fully contribute to the cause.

He underlined that the Ministry Health and Family Welfare is committed towards the cause of girl child and is trying its best to improve the Child Sex Ratio by monitoring the implementation of the PC & PNDT Act. He urged for joint efforts and full support from the members for the meeting to generate meaningful dialogue and deliberation. He also advised the States especially those that are facing this problem the most, to accord top priority to this issue and scale up their efforts in this direction.

He further welcomed the ideas and suggestions of the members of the CSB to provide their suggestions for the effective implementation of the law. He said that Ministry is open to new ideas and also believes that the legislations, strategies and programme need to be constantly revisited and deliberated upon in the light of new technological and social developments, so that its relevance and significance is retained and maintained.

**Dr. Rakesh Kumar, JS (RCH)**, then introduced the agenda and said that the CSB today, besides reviewing the progress of the implementation of the Act, would be considering the inclusion of the provision of procedure of Manner of Appeal and Proforma of Appeal that have been devised and recommended by the Expert Committee. He added that the CSB would also deliberate on the amendments proposed in the PCPNDT (Six Months Training Rules 2014 for their proper implementation in the States/ UT.



### **Agenda No.1:**

#### **Confirmation of the Minutes of the 23<sup>rd</sup> Meeting of the Central Supervisory Board**

The CSB confirmed the Minutes of the 23<sup>rd</sup> 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 (RCH), MoHFW presented the Action Taken Report with regard to the decisions taken during the 23<sup>rd</sup> CSB meeting. JS (RCH) informed that in response to the CSB recommendation to regulate the imported machines the Ministry of Environment, Forest and Climate Change (MoEF&CC) has informed that any kind of medical equipment is presently being regulated under Schedule IIIB (B1110) of Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008. Accordingly, MoEF&CC's permission is required for import of any such kind of second hand equipment including medical equipment for re-use purpose in the country.

He further informed that to ensure environmentally sound management and disposal of ultrasound machine, Ministry of Environment, Forest and Climate Change (MOEF &CC) will include ultrasound equipment under Schedule I of the e-waste rules, which provide the list of Electrical and Electronic Equipments (EEE) to which the rules are applicable.

JS (RCH) also informed that appropriate Rules will be framed to include Ultrasound Machines and its accessories under Section 3 of the Drugs and Cosmetic Act, 1940 so that use and sale of the ultrasound machines could be regulated more rigorously.

JS (RCH) also conveyed that the Veterinary Council of India has laid down qualification for the Veterinary doctors who will work or get employed in ultrasound clinics meant for Veterinary purpose.

He also informed that as per the decision of the 23rd meeting of the Central Supervisory Board, an Expert Committee was constituted to re-examine the proposed amendments in the Act, in the light of inputs received from Central Supervisory Board members, to make it more effective in preventing Gender Biased Sex Selection. He said that the first meeting of the Expert Committee was held on 24th November, 2015 and the proposed amendments recommended by the Expert Committee have been uploaded on Ministry's website for wider public consultation and inputs. Suggestions, comments, inputs and views of the different stakeholders will be compiled and placed before the Expert Committee for further deliberation. He added that any further suggestion from the CSB members in this regard would also be included and deliberated.



### **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 gave a comprehensive overview of the implementation of PC&PNDT Act in the country. He said that till December 2015, 54616 bodies have been registered under PC&PNDT Act in the country and 2152 cases are filed in the lower courts for various violations of this law. He also expressed his earnest concern over the very low conviction rate under this law, which stands at 306 as on date. He further added that, even after two long decades of its implementation this is a very small number and not at all matches the pace with which the sex ratio has declined in the country.

He stated that the National Inspection and Monitoring Committee (NIMC), has carried out a total of 22 inspections covering 46 districts of 22 States/ UTs during 2015-14. As a result of these NIMC visits, 8 showcause notices were issued, 2 clinics and 11 Ultrasound machines were recommended for sealing, 2 clinics were sealed, 2 registrations were cancelled and 1 registration was suspended besides sealing of two 2 Mobile Medical Units (MMUs) and 2 Ultrasound Machines

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 Imphal Chandigarh, Bhubaneswar and Hyderabad (two) during 2015-16. He added that a

National review under the chairmanship of Additional Secretary and Mission Director, MoHFW was held on 21 September 2015 through video conference which was attended by 18 States and 5 UTs.

JS (RCH) further apprised that the Ministry has developed Standard Operational Guidelines (SOGs) for the effective and standard implementation of PC&PNDT Act that will be shared soon with the State/ UTs.

#### **Agenda Item No. 4:**

##### **Amendments Proposed to the PC& PNDT Act**

The CSB members were updated on the matter and it was decided that the amendments in the Act require wider consultations and further deliberations. It was decided by the CSB members that the Expert Committee will further deliberate on the proposed amendments after suggestions, inputs and comments from all the stakeholders are received by the Ministry and put up accordingly.

#### **Agenda Item No. 5**

##### **Manner of appeal under Section 21 of PC & PNDT Act 1994 to be included in the Rules**

The CSB members were apprised that the Hon'ble High Court of Rajasthan, Jaipur in the matters of WP (C) No. 10286/2012 – Dr. Vijay Gupta Vs. State of Rajasthan & Ors and WP (C) No. 3270/2012 – S.K. Gupta Vs. Union of India & Ors., had directed the Central Government to prescribe the Manner of “Appeal” under Section 21 of PC & PNDT Act 1994 in its orders dated 22.05.2014, 15.04.2015 and 27.07.2015. In compliance with the directions of the Hon'ble High Court, a Committee was

constituted under the Chairmanship of JS (RCH) to device manner of appeal under Section 21 of the PC & PNDT Act, 1994. JS (RCH) informed that the procedure to be followed for an appeal under the Act and the Proforma to be used for making an appeal was devised by the Committee in its meeting held on 11.01.2016. The CSB members discussed the provision of appeal under the PC&PNDT Act at length and deliberated on the proposed procedures and Proforma. All the members unanimously agreed on the necessity of such provisions in the Rules and recommended the incorporation of the same in the PC&PNDT Rules.

### **Agenda 6**

#### **Proposed Amendments in the Six Months Training Rules**

JS (RCH) stated that the Six Months Training Rules, 2014 were notified to regulate, standardize and streamline the ultrasound training for MBBS doctors. The rules prescribe the period, curriculum, eligibility & selection criteria for students and accreditation and recognition of training institutes for imparting this training, besides other relevant aspects of training in ultrasonography. He however said that its implementation has not really picked up. Only the states of Manipur, Odisha, Tamil Nadu, Tripura and West Bengal have commenced Six Months Training. The states of Assam, Jharkhand, Odisha and West Bengal have conducted Competency Based Exam for the registered medical practitioners, who are conducting ultrasound procedures in registered Genetic Clinic or Ultrasound Clinic or Imaging Centre on the basis of one-year experience or six months training (as per the earlier provisions).

He expressed his concern on this dismal progress of implementation and said that there are some genuine challenges including equal teacher student ratio, non-



availability of MCI recognised institutes, selection criteria etc faced by the states that is contributing towards the non- implementation of these rules. He informed that the challenges faced by the states were deliberated in the Ministry with the concerned subject experts and suitable amendments including increase in the teacher student ratio to 1:4, limiting the syllabus of ultrasound training to Obstetric and Gynaecology, seats reserved for the candidates from the states that do not have MCI recognised institute etc. have been proposed.

After due deliberations the proposed amendments in the PCPNDT Six Months Training Rules were approved.

#### **Agenda 7:**

##### **Recent judgment dated 17.02.2016 of the Hon'ble Delhi High Court**

It was informed to the CSB members that a judgment dated 17.02.2016 related to the PC&PNDT Act in Writ Petition W.P. (C) 6968/2011 of Indian Radiological and Imaging Association (IRIA) Vs. Union of India and ANR, W.P.(C) 2721/2014 of Indian Medical Association (IMA) and Ors Vs. Union of India and W.P.(C) 3184/2014 of Sonological Society of India Vs. Union of India was delivered by the Hon'ble Delhi High Court. Judgment has held the Rule 3(3) (1) (b) of the PC&PNDT Rules ultra-vires and has declared definition of sonologist or imaging specialist as "bad", as there is no such qualification recognized by the MCI.

It was stated that Ministry has decided to file special leave petition (SLP) against this order in the Hon'ble Supreme Court.

## **Agenda VIII**

### **Registration of Veterinary Hospital using ultrasound machines and requisite qualification to operate ultrasound machines.**

It was decided that the qualification recommended for the veterinary doctors and the regulatory mechanism suggested for such clinics by Veterinary Council of India as:

- (i) Such veterinary doctors must hold recognized degree in Veterinary Sciences as included in First Schedule/Second Schedule of the Indian Veterinary Council Act, 1984 with short term training in Radiology.
  - (ii) No objection certificate from District Head of Animal Husbandry/Veterinary Services Department by whatsoever name, it is called in respective State where these clinics/diagnostic centres are located.
  - (iii) District Head of concerned state shall also keep complete records of such clinics along with name and other details of such veterinary doctors.
- may be communicated to the states/ UTs for necessary action.

## **Agenda 9, 10 &11**

The CSB members appreciated that the recommendations to regulate the import of second hand ultrasound machine and to include ultrasound machines in e-waste regulations has been accepted by the Ministry of Environment, Forest and Climate Change (MOEF& CC). The CSB members also welcomed the necessary amendments

the would be made in the Drugs and Cosmetic Act, 1940 to regularise the sales and use of Ultrasound machines in the country.

However, the CSB members advised that these regulations should ensure that all types of Ultrasound machines: imported/locally manufactured, buy backs, refurbished/ Chinese made etc. are regulated, monitored and tracked.

During the discussions it was suggested that the PC&PNDT Act needs to be revisited in light of the new technological development taking place in the medical field of diagnostics. **Shri Jagat Prakash Nadda, Union Minister for Health & Family Welfare** agreed with the proposal of the CSB members and recommended that an Expert Committee would be formed under the joint leadership of Secretary (Health and Family Welfare) and Secretary (Women and Child Development) and Secretary, M/o Law & Justice to review the provisions of PC&PNDT Act in light of new technologies immerging in the field; and how this law could be made more effective in regulating them. He further added that this Committee would also evaluate the initiatives undertaken so far and accordingly suggest new and effective strategies to address this problem.

At the conclusion of the meeting, **Shri Bhanu Pratap Sharma, Secretary (Health and Family Welfare)** reiterated the importance of the issue and 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.

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