

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:149

ANSWERED ON:13.03.2002

BAN OF SEX DETERMINATION TESTS

MANIBHAI RAMJIBHAI CHAUDHARY;SHRINWAS DADASAHEB PATIL

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Government are aware that sex-determination tests are still being conducted in the country;
- (b) if so, whether the Supreme Court has given any directions to ban the sex determination tests;
- (c) if so, the details thereof;
- (d) the action taken by the Government thereon;
- (e) whether the Government are contemplating to bring an amendment in the 'Pre-natal Diagnostic Techniques (Regulation and Prevention of Misue) Act, 1994' to control sex-determination tests in the country more effectively; and
- (f) if so, the details thereof?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE (DR. C.P. THAKUR)

(a)to(f): A statement is laid on the table of the Lok Sabha.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 149 FOR 13.3.2002

(a)to(c): Determination and disclosure of sex of foetus of a pregnant woman is illegal and is a punishable crime under the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misue) Act, 1994 since 1st January, 1996. No data is available on sex-determination tests being conducted in the country, since these are not done openly. Supreme Court has issued directions to both Central and State Governments in a Public Interest Litigation filed by the Centre for Enquiry into Health & Allied Themes (CEHAT) & Others Vs. Union of India and Others. The directions of Supreme Court, inter alia, include generation of awareness about the provisions of the Act both at national and State level, implementation of the Act with full vigor and zeal to ensure registration of all clinics using ultrasound machines so as to keep an eye on them lest they should undertake sex determination of foetus of pregnant woman, obtaining of information relating to users of such machines from their manufacturers, importers, suppliers, dealers, persons having their maintenance contracts and others, sealing and seizure of the machines of those who have not got themselves registered under the Act, to restrict sale of such machines to registered clinics, to amend the Act keeping in mind the emerging technologies and difficulties encountered in implementation of the Act and take all other such measures as may be necessary for effective implementation of the Act.

(d) The implementation of the Act mainly rests with the States/UTs. The Central Government have requested all the State Governments/UTs to implement the provisions of the Act and comply with the directions of the Hon`ble Supreme Court of India with full vigor and zeal. Appropriate Authorities and Advisory Committees have been appointed under the Act in all the States/UTs. These have been appointed at district and at some places at sub-district levels in most of the States/UTs. They are taking action to generate awareness about the provisions of the Act in public and among law enforcing agencies, service providers, medical and para-medical personnel by hoardings, wall paintings, news-papers, All India Radio, TV and other means of publicity, Quarterly returns about the implementation of the Act are obtained from State Governments by the Central Supervisory Board (CSB) Action has been taken by States/UTs to ensure registration of the persons/bodies mentioned in the lists of buyers of ultrasound sound machines obtained from the manufacturers, importers, suppliers, dealers etc. of such machines including sealing and seizure of the machines of unregistered clinics. They have so far filed 92 cases against the violators of the provisions of the Act. The Central Government has constituted a Central Supervisory Board under the chairmanship of Minister of Health and Family Welfare.

(e)&(f): In accordance with the directions of the Supreme Court, the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, is proposed to be amended keeping in view the emerging technologies and difficulties encountered in the implementation of the Act to, inter-alia, bring the technique of pre-conception sex selection within the ambit of this Act so as to preempt the use of such technologies which significantly contribute to the declining sex ratio, bring the use of ultrasound machines within the purview of this Act more explicitly so as to curb their misuse for detection and disclosure of sex of the foetus, to further empower the Central Supervisory Board for monitoring the implementation of the Act, introduce State level Supervisory Board for monitoring and reviewing the implementation of the Act at the State/UT level, to constitute a multi member State Appropriate Authority for better

implementation and monitoring of the Act in the States, make punishments prescribed under the Act more stringent to serve as a deterrent for minimizing violations of the Act, to empower the Appropriate Authorities with the powers of Civil Court for search, seizure and sealing the machines, equipments and records of the violators of the law including sealing of premises and commissioning of witnesses, making mandatory the maintenance of proper records in respect of the use of ultrasound machines and other equipments capable of detection of sex of foetus and also in respect of tests and procedures leading to pre-conception selection of sex.