

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

UNSTARRED QUESTION NO:3422

ANSWERED ON:05.08.2016

Sex Determination Tests

Chavan Shri Harishchandra Deoram; Vasava Shri Mansukhbhai Dhanjibhai

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

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

- (a) whether the Government has formulated any guidelines/legislation to check/curb the sex determination tests;
- (b) if so, the details and salient features thereof;
- (c) whether pre-natal sex determination tests are being conducted regardless of the above regulations;
- (d) if so, the number of such cases reported along with the action taken against the erring doctors during the last two years and the current year, State/UT-wise; and
- (e) the corrective steps taken by the Government to strictly enforce the regulation against sex determination tests?

Answer

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE

(SMT. ANUPRIYA PATEL)

(a) & (b): The Government has enacted the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 to prohibit pre-conception and pre-natal diagnostic techniques for determination of sex of the foetus leading to female foeticide with the following objectives:

- I. prohibition of the misuse of pre-natal diagnostic techniques for determination of sex of foetus, leading to female foeticide
- II. prohibition of advertisement of pre-natal diagnostic techniques for detection or determination of sex;
- III. permission and regulation of the use of pre-natal diagnostic techniques for the purpose of detection of specified genetic abnormalities or disorders;
- IV. permitting the use of such techniques only under certain conditions by the registered institutions; and
- V. punishment for violation of the provisions of the proposed legislation.

(c) & (d): The regulation for prohibiting pre-natal sex determination test is the PC & PNDT Act, 1994 and Rules framed thereunder. The Act like other regulatory acts provides a framework by which offences can be defined, punishment prescribed, along with exceptions if any and also specifies the authorities competent to take cognizance and to implement the Act. Without this framework, sex selection and sex determination would not have been offences, and no consequent action including even taking of cognizance and subsequent conviction would have been possible. Because of the Act and Rules framed thereunder, 2296 cases have been filed, 350 convictions have been secured and 100 medical registrations have cancelled. That all these have been secured through strong implementation of the Act/Rules. The legislation has acted as a deterrent and created much awareness in society on the worsening Child Sex Ratio and its adverse impact. The Act has served dual purpose – as a framework and as a social deterrent for crime against girl child. Under this regulation cognizance has to be taken for contravention of any of the provisions of the Act and Rules unless contrary is proved by the person conducting ultrasonography on a pregnant women. The information related to number of pre-natal sex determination tests conducted in a year is not maintained at the Central level. However, total number of cases registered for the violation of PC & PNDT Act/Rules and convictions secured so far is given at Annexure – I.

(e): Besides the enactment of the PC&PNDT Act, 1994, multi-pronged strategy entailing schemes and programmes and awareness generation/advocacy measures have been adopted to build a positive environment for the girl child through gender sensitive policies, provisions and legislation. The details of important measures are enclosed in Annexure – II.