

Minutes of the 22nd Meeting of the Central Supervisory Board held under the Chairmanship of Hon'ble Union Minister of Health & Family Welfare on 13th, October 2014 at 9.00 am at Committee Room 3rd floor, A wing, Nirman Bhawan, New Delhi.

The 22nd 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 13.10.2014 under the Chairmanship of Dr. Harsh Vardhan, Union Minister for Health & Family Welfare and Smt. Maneka Sanjay Gandhi, Union Minister for Women and Child Development. The lists of participants are at Annexure I.

Shri Lov Verma, Secretary (HFW), welcomed the members of Central Supervisory Board to the meeting and thanked the Hon'ble Ministers for their presence. He said that the meeting is happening at a crucial time when Hon'ble Supreme Court has given directions to the Central and State Governments to speed up the implementation of PC&PNDT Act in the country. He highlighted the main achievements including notification of Six Month Training in Ultrasound Rules, Revised Form F and Code of conduct for Appropriate Authorities, increasing of NIMC member pool and 24 NIMC visits target in RFD 2014-15 besides capacity building and monitoring initiatives under the program. He also mentioned about the National campaign *Beti Bacho Beti Padao* targeted in the 100 identified gender critical districts that is being launched in partnership with Ministry of WCD and HRD.

Smt. Maneka Sanjay Gandhi, Union Minister for Women and Child Development expressed her concern over the alarming decline of child sex ratio in the country. She stressed the need to identify the real cause for this phenomenon that is predominant in upper middle class.

She also said that medical professionals especially gynaecologists and radiologists may contribute in reducing the maternal and infant mortality and morbidity in the country. She reiterated the fact that only legislation and the Act cannot change the situation but behavioural change through good advocacy is also required. She also mentioned about the BBBP campaign anchored in the Ministry of

WCD and expressed the hope that this initiative will go a long way in improving the status of Girl Child in the country. She invited Ministry of Health and Family Welfare to have a joint national IEC campaign for educating the masses on the provision of PC&PNDT Act and importance of girl child.

Dr. Harsh Vardhan, Union Minister for Health & Family Welfare welcomed the new members of the CSB and said that this meeting was the beginning of a continued dialogue with all the members. He said that there is a need to revise our strategy and review what has worked and what has not worked in implementing the PC &PNDT Act. He said that it is high time that we may not follow the routine but do some out of box thinking to address this serious issue. He invited all members to send their ideas and suggestions that can be helpful in dealing this problem. He was also of the opinion that the driving force for the states and implementing bodies should not be court orders but the cause itself.

After the opening remarks by the chairperson and co-chairperson, JS (RCH) made an introductory presentation on different provisions of the Act and situational analysis of declining child sex ratio as per 2011 in the country for the benefit of the members of the CSB. This was followed by the agenda for discussions by the Board.

Agenda No.1:

Confirmation of the Minutes of the 21st meeting of the Central Supervisory Board

HFM confirmed the Minutes of the 21st CSB meeting since, no observations/comments were received from the earlier members of CSB, the minutes may be confirmed.

Agenda Item No.2:

Action Taken Report on decisions taken in the 20th Meeting of the Central Supervisory Board held on 16.01.2013

JS (RCH) presented the Action Taken Report with regard to decisions of the 21st CSB meeting. As regards action taken, JS (RCH) shared the Gazette notification of Six

Month Training Rules, Revised form F and Code of Conduct for Appropriate Authorities Rules for information. He further informed that the Expert Committees constituted as per the recommendation of 20th & 21st CSB meetings have deliberated on the matters including state specific issues related to powers of appropriate authorities, implementing issues of PC&PNDT Act in the states, amendments to the PC&PNDT Act and regulatory mechanisms for the sale of ultrasound machines in the country. The proposed clarification, guidelines, proposed amendments and recommendations regarding these matters were placed as a part of agenda before the CSB for consideration and approval.

As regards the progress made in terms of monitoring of the PC&PNDT Act on the ground, JS (RCH) informed that the NIMC pool has been expanded to 140 members besides increasing the targets for inspection visits by the NIMC to 24 at the rate of 2 visits per month in 2014-15. JS further said that guidelines for carryout mapping of all ultrasound machines (both registered and unregistered) in the states/ UTS as mandated by the Hon'ble Supreme Court have been developed and circulated to the States/ UTS with separate budget allocated for the exercise under NRFIM.

JS (RCH) also apprised the CSB that the clarification with regard to the mandatory registration of ART/IVF under PC&PNDT Act and portable ultrasound machines have been issued to the state/ UTS to ensure the uniform implementation of the provision of PC&PNDT Act in this regard. A copy of the recently issued clarification was also placed before CSB for kind information.

Agenda Item No. 3:

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

JS (RCH) apprised the CSB on the recent initiatives taken by the Ministry and said that besides notifying important amendments in the PC&PNDT Rules including Six Month Training Rules, Revised form F and Code of Conduct for Appropriate Authorities, Ministry also scaled up the monitoring and review of the implementation

of the Act and capacity building of all stake holders. He informed that the progress of implementation of PC&PNDT Act was reviewed through five regional review workshops conducted in Srinagar, Pune, Bhopal, Kolkata and Hyderabad. He further informed that 10 inspection visits of NIMC to the states including Madhya Pradesh, Uttarakhand, Andhra Pradesh, Himachal Pradesh, Karnataka, Haryana, Rajasthan, Uttar Pradesh, Odisha, West Bengal and Bihar have already been completed.

With regard to inter-ministerial partnership, he informed that MoHFW will be partnering with Ministry of Women and Child development and Ministry of Human Resource Development as a part of a national campaign "Beti Bachao, Beti Padhao" being launched in 100 gender critical districts of the country.

As a part of the new indicative, JS (RCH) also informed that Ministry is finalizing developed Standard Operational Procedures (SOPs) for the effective implementation of PC&PNDT Act in the country and that will be circulated to the CSB members for their valid inputs and information before final publication.

JS (RCH), updated that the Grant in Aid to NGOs scheme for PNDT activities has been decentralised for expanding outreach besides further strengthening civil society partnership in this area.

JS (RCH) also informed the members about the Ministry's initiative of sensitizing young doctors and stated that the Ministry supported the annual cultural festival "Pulse" of AIIMS with the main theme on "Save the Girl Child".

As regards the status of implementation of the PC&PNDT Act, JS (RCH) detailed the progress made and stated that 607 cases were registered, 90 convictions re secured and 64 medical licenses of the convicted doctors have been suspended by respective state medical councils in last one year as per reports received from the states. The progress made in the last the year was appreciated by the board members.

IRIA raised the issue of restricting qualified doctors to two clinics to operate ultrasound machine in a district. FOGSI raised the issue of high rate of convictions and cases being filed for the non-maintenance of records. It was reiterated that the record maintenance is a mandatory activity of PC&PNDT Act and that cannot be ignored, however there may be graded punishment concept in the PC&PNDT Act.

HFM advised that the issue of restricting qualified doctors to two clinic be reviewed by the Expert Group for decision.

Smt. Vani Tipathi reiterated the fact that a rigorous advocacy is required on the lines of Polio campaign which is considered to be the most successful campaign in the country, besides creating deterrence through punitive action under the law. She also said that much work has to be done with the people who avail such options. Dr Vinod Paul of AIIMS said that implementation of PC&PNDT is very important to maintain the ethical practice among the medical professionals and that can never be compromised, however it can be complimented by a comprehensive advocacy strategy to address the behavioural change towards girl child.

Dr. Kamal Buckshee raised the critical issue of the advancement in technology where a simple blood test can determine the sex of the foetus. She suggested that all these advancements in technology may be taken under the purview of PC&PNDT Act and suitable advisories be issued by the Ministry.

It was informed that a clarification regarding the registration ART/ IVF clinics and any other technology capable of detecting the sex of the foetus under the PC&PNDT Act has been issued to the states. Dr Paul in this regard suggested that such technologies and other potential methods of sex determination may be restricted to only accredited research institutes to avoid the mass misuse.

In this regard it was recommended that the new technologies and their regulation under PC&PNDT Act is to be seriously looked into.

DGHS suggested that there is urgent need to increase the opportunities for girl child and ensure social security for the parent of the girl child.

Ms Ena Singh suggested that the platform of BBBP can be very effective in empowering women at large in terms making structural changes by providing educational opportunities, safety and social security in the form of assets and property. She further suggested that through BBBP campaign the civil registration of births in the identified 100 gender critical districts could be strengthened and that would help in evaluating the impact of the proposed campaign.

CSB members also advised to showcase success stories of implementation of the Act that have contributed in improving the sex ratio. They also suggested that such success stories may be widely disseminated to all Authorities and stakeholders in all states/UTs. Members also felt the need to boost the monitoring at district level besides strengthening of monitoring mechanisms at all levels.

Member Secretary National Commission for Women suggested that the advisory committees under the Act may be given more powers to monitor the implementation on ground through inspections. The outcomes and follow-up action of these inspections may be placed in public domain. She also suggested that the information regarding the registered clinics, decisions taken in advisory committees, cases filed and conviction secured may also be put online.

Regarding the follow-up action on the observations and recommendation made by NIMC during state inspections, the members suggested that the progress may be asked from the state / UTs and the respective state boards to be asked to ensure the following action on this.

CSB members also suggested that an online grievance/ complaint portal may be developed for receiving complaints against the unethical practice of sex selection by the state/UTs

Agenda Item No. VI:

Copy of the Notification of six months training in ultrasound for MBBS Doctors Rules were placed for information

Agenda Item No V:

Copy of the Notification of Revised Form 'F' was placed before CSB for information

Agenda Item No VI:

Copy of the Notification of Code of Conduct for Appropriate Authorities Rules were placed before CSB for information

Agenda Item No VII:

In light of Honorable Supreme Court Order dated 16.9.14 in case of the Voluntary Health Association of India Vs Government of India, reconstitution and functioning of State Supervisory Boards was reviewed. It was appreciated that the states have shown progress in this regard however constitution and functioning of advisory committees at different level is still a challenge and it requires more attention in terms of monitoring from the centre as well as the state governments.

The board members lauded the orders of Honorable Supreme Court dated 16th September, 2014 and deliberated further on the implementation of the orders. It was decided that the State Govts./UTs be advised for implementation of Hon'ble Supreme Courts Or verbatim and file the reply Hon'ble court on time.

Agenda Item No VIII:

Clarification regarding the powers of State Appropriate Authorities and other related issues of the Appropriate Authorities

It was reported to the CSB members that the matter regarding the powers of State Appropriate Authorities overriding the decisions of District Appropriate Authorities (DAA) in cases where DAA is unable to take appropriate action as per the provisions of PC & PNDT Act was deliberated by the Expert Committee. The committee endorsed that the State Appropriate Authority being an appellate authority has the jurisdiction for the whole state and is empowered to direct the district authorities regarding the implementation of the PC&PNDT Act and also to take direct action against any violator of the PC&PNDT law.

The recommendations of the Expert Committee with regard to action to be taken by the district Appropriate Authorities in case of unused/ idle or surrendered ultrasound machines, where the DDAs will now close down the machines under the term voluntary decommissioning of the machines at a appropriate place. The

recommendation was considered by the CSB and would be disseminated to the States/ UTs for necessary action.

Agenda Item No X:

✓ **Regulatory procedures for manufacturers, importers and refurbishers' of ultrasound machines**

As per the recommendation of 21st CSB meeting, regulatory procedures for manufacturers, importers and refurbishes of ultrasound machines for effectively monitoring the sale of imported/ second hand/ refurbished ultrasound machines were deliberated by Expert Committee. The expert committee proposed four recommendations as below:

Recommendation 1: Ultrasound machines and its accessories may be brought under Section 3 of the Drugs and Cosmetic Act, 1940. Currently 14 medical devices have been notified under clause b of Section 3 that defines Devices

- a. After this amendment, the manufacturers of ultrasound equipment would require approval under Form 27 of Drugs and Cosmetic Act
 - b. And importers of ultrasound machines would require obtaining import license, which will be valid for 3 years, a common submission format/ Performa for import licenses for ultrasounds may have to be notified under the Drugs and Cosmetic Act, 1940. (Performa already drafted)
- II. **Recommendation 2:** Complete ban on the Import of second hand ultrasound machines in the country.
 - III. **Recommendation 3:** Ministry of Environment and Forest (MoEF) to bring amendments and include ultrasound equipments in the proposed draft notification- S.O, 3100(E)-dated 1st October 2013, mandating approval from MoEF for import of refurbished electronic items.
 - IV. **Recommendation 4:** A provision for the disposal of the unused ultrasound machines, both with residual shelf -life or end of shelf -life, to be incorporated in the e-waste Management and Handling Rules, 2011 under MoEF

The proposed recommendations were placed before the CSB. The CSB members appreciated the above proposals and were of the opinion that such policy change will contribute in the regularization of the sales of ultrasound machines in the market. Recommendations were approved and would be communicated to concerned ministries for further policy change.

Agenda Item No. X

Amendments Proposed to the PC& PNDDT Act

The list of draft amendments to the Act proposed by the Amendment Expert Committee was placed before CSB for deliberation. It was decided that the comments will be sought from all the members for further deliberations and place in the 23rd meeting of CSB for approval.

Agenda Item No. XI

Clarifications regarding different implementation issues in the States/ UTs

Draft guidelines/ procedure to be followed in case of short term demonstration/ display of ultrasound machines/Imaging machines in the workshops, recommended by the expert committee was placed for before CSB. However, the committee has been further asked to strengthen the guidelines with regard to number of the machines to be allowed and monitoring mechanisms for AA to avoid potential misuse.

The issue of use of ultrasound machines in veterinary clinics in light of clarification proposed by expert committee was deliberated. It was reiterated that all such machines having the potential of sex determination are required to be registered under the existing provisions of the PC& PNDDT Act 1994. Further, the state appropriate

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authorities would deal with the issues of mobility of such machines and monitoring mechanisms as per the existing PC&PNDT Act

During the course of discussion, following recommendations were also made:

- PNDT programme unit anchored in ministry to be strengthened so that rigorous monitoring of implementation in the states can be ensured.
- An advocacy tool kit may be developed for sensitising the Parliamentarians.
- HFM may write to all the Chief Ministers of states regarding the direction of Hon'ble Supreme Court for speedy compliance after the case is heard on 25/11/2014.
- A Google group can be formed among the CSB members for regular dialogue on the issue.
- A meeting will be organised with ICMR to discuss proposed ARTs Bill and how it can be harmonised with the PC&PNDT Act.
- To make a comprehensive website on the implementation of PC&PNDT Act that would have all information regarding the issue by the States/UTs.
- RGI of India may be requested to write to all states for ensuring 100% Civil Registration of births for getting real time data of SRB
- The states may be directed to conduct medical audit of all the records including form F, E, D, and G by the District Appropriate Authorities.

The meeting ended with a welcome suggestion from the Honourable Minister inviting all the CSB members to send detailed inputs, suggestion and out of box ideas that could be shaped up in an advocacy campaign and new implementation strategies to combat the problem.

It was decided that the CSB board will meet again in Jan 2015 to review the progress made in this direction. The meeting ended with thanks proposed by JS (RCH) to the members and Chairman CSB.