

ED-7729451101N

21-01-2025

No. W.12017/42/2017-PNDT-Part(1)
Government of India
Ministry of Health & Family Welfare
(PNDT Section)

Nirman Bhawan, New Delhi
Dated the 16 January, 2025

To,
The Appropriate Authorities,
All States/UTs

Subject: Urgent Attention to Address Violation of provisions of PC&PNDT Act on e-Commerce Platforms/ social networking sites.

Dear Madam/Sir,

1. As you are aware, the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PC&PNDT Act) aims to prevent sex selection before or after conception and to regulate diagnostic techniques aim at detecting genetic or chromosomal abnormalities. The Act, amended in 2003, specifically aim to prevent misuse of the technology leading to female foeticide.

"The purpose and objectives of the PC&PNDT Act is to provide prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities/metabolic disorders/chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and for matters connected therewith or incidental thereto."

2. It has come to our attention that several sellers on e-commerce platforms are violating the PC&PNDT Act by listing sex selection kits, sex-diagnostic devices, or items with potential for sex-selection that are explicitly banned under the Act. These listings, which contravene Sections 3A and 22 of the PC&PNDT Act (the relevant provisions of the PC&PNDT Act is attached herewith as **Annexure 1**), but also perpetuate societal harm by contributing to gender imbalance and female foeticide. The legal position as provided in various judgement/court are listed below:

3. Under IT Act and IT Rules:

3.i. Information Technology Act, 2000 (IT Act): **Section 79 of the IT Act defines the 'Exemption from liability of intermediary in certain cases'** (the details of the Section of the Information Technology Act is attached herewith as (Annexure 2)

3.ii. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (As amended in 2023): Rule 3(1) (b): the intermediary shall inform its rules and regulations, privacy policy and user agreement to the user in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice and shall make reasonable efforts 1 (by itself, and to cause the users of its computer resource to not host), display, upload, modify, publish, transmit, store, update or share any information that,— (iii) is harmful to child and (xi) violates any law for the time being in force.

3.iii. Rule 3(1) (d) defines the duty of the intermediary.

3.iv. Rule 11 provide for the Self-Regulating mechanism at Level I. This

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refers, the publisher shall be the Level I of the self-regulating mechanism. It further defines the duty of the Publisher and Grievance Officer. (The details of the Rule 3(1)(b), 3(1)(d) and Rule 11 of the 'Information Technology (Intermediary Guidelines and Digital Media Ethics Code') Rules, 2021(As amended in 2023) is attached herewith as **Annexure 3, Colly**).

4. Further Rule 4(3) of the Consumer Protection (E Commerce Rules 2020) Provides that e commerce entity shall adopt unfair trade Practices whether in the course of business on its platform or otherwise. CCPA shall take Strict action against the violators.

5. **Supreme Court Directions In this regard -:**

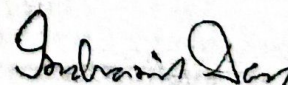
In the case of Dr. Sabu Methew George Vs UOI & Ors. Writ Petition (Civil) No. 341 of 2008, the Hon'ble Supreme Court given the judgement on 13.12.2017. In para 20 of the Judgement the Hon'ble Supreme Court directed to Respondent No. 1 (Union of India) to constitute a Nodal Agency for the compliance of Section 22 of PC&PNDT Act. Various issues with regarding to the Compliance of the Section 22 of the PC&PNDT Act wherein warning message is to be reflected on the screen at the time the content relating Sex determination or PNDT is searched. Blocking of the Auto Complete of the searches on the Search engines leading to violative content , Auto Blocking of the Key words indicative of the sex determination have been raised before the Hon'ble Court and in para 28 of the judgement the Hon'ble Supreme Court further directed that ...
..There has to be a constructive and collective approach to arrive at a solution together with the Expert Committee and the search engine owners. They are obliged under law to find solutions if something gets projected in contravention of the 1994 Act... (The copy of the Supreme Court judgement is attached herewith as **(Annexure 4)**).

6. In this regard you are requested to kindly look into the matter and seek the compliance of the provisions of Acts/Judgement mentioned herein above for ensuring prevention of sale of the items, handhold devices, ultrasound machine or imaging machine or scanner or any other technology capable of determination of sex of the fetus.

7. You are further requested to share with the Ministry the list of URL/List of the Prohibited items which are being available on e-commerce platforms/Advertisements so that necessary action can be taken in the matter. You may also take necessary action as per the provisions of the operative laws on the matter.

Yours sincerely,

Encl: As above



(Dr Indranil Das)
Director

Email: - pndtmohfw@gmail.com

Copy to for information and necessary action:

(डॉ. इंद्रनील दास)
(Dr. INDRANIL DAS)
निदेशक/Director
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & Family Welfare
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


1. The Nodal Officers, All States/UTs
2. PPS to JS (RCH) MoHFW, New Delhi
3. PA to Additional Commissioner, MoHFW, New Delhi
4. PA to Deputy Commissioner, MoHFW, New Delhi
5. PNDD Section, MoHFW, New Delhi

E-Mail

कार्यालय राज्य समुचित प्राधिकरण, पी०सी०पी०एन०डी०टी० अधिनियम-1994,
परिवार कल्याण महानिदेशालय, उत्तर प्रदेश,
जगत नारायण रोड, लखनऊ-226003

पृ०सं०:प.क./पी.सी.पी.एन.डी.टी./03/2025/16470-192 लखनऊ, दिनांक 23 जनवरी 2025
प्रतिलिपि, निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- (1) निदेशक, पी०एन०डी०टी०, स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार, निर्माण भवन, नई दिल्ली-110011
- (2) प्रमुख सचिव, चिकित्सा, स्वास्थ्य एवं परिवार कल्याण, उत्तर प्रदेश शासन।
- (3) महानिदेशक, चिकित्सा एवं स्वास्थ्य, उत्तर प्रदेश।
- (4) महानिदेशक, चिकित्सा शिक्षा एवं प्रशिक्षण, उत्तर प्रदेश।
- (5) महानिदेशक, प्रशिक्षण, चिकित्सा, स्वास्थ्य एवं परिवार कल्याण, उत्तर प्रदेश।
- (6) मिशन निदेशक, राष्ट्रीय स्वास्थ्य मिशन, उत्तर प्रदेश।
- (7) समस्त मण्डलायुक्त, उत्तर प्रदेश।
- (8) समस्त मण्डलीय अपर निदेशक, चिकित्सा, स्वास्थ्य एवं परिवार कल्याण, उत्तर प्रदेश।
- (9) समस्त जिला-मजिस्ट्रेट/जनपदीय समुचित प्राधिकारी, पी०सी०पी०एन०डी०टी० अधिनियम-1994, उत्तर प्रदेश।
- (10) समस्त मुख्य चिकित्सा अधिकारी, उत्तर प्रदेश।


(डा० अश्विनी कुमार)
संयुक्त निदेशक, पी०सी०पी०एन०डी०टी०,
उत्तर प्रदेश, लखनऊ।