

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 3422
TO BE ANSWERED ON 5TH AUGUST, 2016**

SEX DETERMINATION TESTS

**3422. SHRI MANSUKHBHAI DHANJIBHAI VASAVA:
SHRI HARISHCHANDRA CHAVAN:**

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
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.

Cases Registered under PC & PNDT Act, 1994 as on March 2016

S. No.	States/ UTs	No. of on-going Court / Police Cases	Convictions	Medical licenses cancelled/suspended
1	Andhra Pradesh	12	0	0
2	Arunachal Pradesh	4	0	0
3	Assam	5	0	0
4	Bihar	129	1	0
5	Chhattisgarh	9	0	0
6	Goa	1	0	0
7	Gujarat	5	15	1
8	Haryana	165	66	14
9	Himachal Pradesh	1	1	0
10	Jammu & Kashmir	6	1	0
11	Jharkhand	21	0	0
12	Karnataka	45	0	0
13	Kerala	0	0	0
14	Madhya Pradesh	43	2	2
15	Maharashtra	554	79	60
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Odisha	61	3	0
21	Punjab	192	31	1
22	Rajasthan	626	116	21
23	Sikkim	0	0	0
24	Tamil Nadu	91	18	0
25	Telengana	32	1	0
26	Tripura	0	0	0
27	Uttarakhand	46	1	0
28	Uttar Pradesh	139	8	1
29	West Bengal	13	0	0
30	A & N. Island	0	0	0
31	Chandigarh	3	0	0
32	Dadar & Nagar Haveli	0	0	0
33	Daman & Diu	0	0	0
34	Delhi	92	7	0
35	Lakshadweep	0	0	0
36	Puducherry	1	0	0
TOTAL		2296	350	100

Annexure-II

- The Government has intensified effective implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and amended various provisions of the Rules.
- The Government is rendering financial support to the States and UTs for operationalization of PNDT Cells, Capacity Building, Orientation & Sensitisation Workshop, Information, Education and Communication campaigns and for strengthening structures for the implementation of the PC & PNDT Act under the National Health Mission (NHM).
- A National review under the chairmanship of Additional Secretary and Mission Director, MoHFW was held on 21st September, 2015 through video conference.
- A National Capacity Building Programme for State Appropriate Authorities and State Nodal Officers was organized on 12th & 13th April, 2016 at Manesar in collaboration with United Nations Population Fund (UNFPA).
- A comprehensive Standard Operating Guidelines (SOGs) for District Appropriate Authority has been prepared by Ministry of Health & Family Welfare for better clarity for implementation of the PC&PNDT Act.
- Program review at the state level has been intensified. Five regional review workshops for North, West, Central, North East and Southern regions were organized during 2014-15. During 2015-16 five regional review workshops have been organized for Northern Eastern, Northern, Eastern, Western and Southern States in Imphal, Chandigarh, Bhubaneswar and Hyderabad (two) respectively.
- National campaign “Beti Bachao, Beti Padhao” was launched in 161 gender critical districts by Ministry of Women and Child Development in partnership with Ministry of Human Resource Development and Ministry of Health & Family Welfare.
- Directions given by the Hon’ble Supreme Court in the matter of WP(C) 349/2006 (Voluntary Health Association of Punjab vs. UOI & others), were communicated to the States/ UTs time to time for ensuring compliance.
- Inspections by the National Inspection and Monitoring Committee (NIMC) have been scaled up. In year 2014-15, 19 inspection visits have been undertaken in different States. During 2015-16, 22 NIMC inspections have been undertaken in the States of Punjab, Puducherry, Tripura, Sikkim, Uttar Pradesh, Odisha, Bihar, Mizoram, Andhra Pradesh, Haryana, Rajasthan, Maharashtra, Gujarat, Telangana, Chhattisgarh, Jharkhand, Assam, Uttarakhand, Karnataka, Tamilnadu, Madhya Pradesh and West Bengal. During 2016-17, 2 NIMC inspections have been undertaken in the States of Arunachal Pradesh and Jammu & Kashmir till date.
- States have been advised to focus on Districts/Blocks/Villages with low Child Sex Ratio to ascertain the causes, plan appropriate behaviour change communication campaigns and effectively implement provisions of the PC & PNDT Act.