

LOK SABHA

**THE PRE-NATAL DIAGNOSTIC TECHNIQUES  
(REGULATION AND PREVENTION OF MISUSE)  
BILL, 1991**

**REPORT OF  
THE JOINT COMMITTEE**

*Presented to Lok Sabha on 22 December, 1992  
laid in Rajya Sabha on 21 December, 1992*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1992 / Agrahayana / Pausa, 1914 (Saka)*

*Price : Rs. 11.20*



JOINT COMMITTEE ON THE PRE-NATAL  
DIAGNOSTIC TECHNIQUES (REGULATION  
AND PREVENTION OF MISUSE) BILL, 1991

Corrigenda

to the Report of the Joint Committee

<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
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**JOINT COMMITTEE ON THE PRE-NATAL DIAGNOSTIC TECHNIQUES  
(REGULATION AND PREVENTION OF MISUSE) BILL, 1991**

**COMPOSITION OF THE COMMITTEE**

Smt. D.K. Tharadevi Siddhartha—*Chairperson*

**MEMBERS**

*Lok Sabha*

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Smt. Girija Devi
6. Dr. Mahavirsinh Harisinhji Gohil
7. Dr. Viswanathan Kanithi
8. Smt. Sumitra Mahajan

9. Smt. Geeta Mukherjee
- \*10. Dr. (Smt.) Padma
11. Dr. Kartikeswar Patra
12. Dr. Vasant Niwruiti Pawar
13. Dr. (Smt.) K.S. Soundaram
14. Km. Uma Bharati
15. Km. Vimla Verma

*Rajya Sabha*

16. Smt. Chandrika Abhinandan Jain
17. Smt. Sarla Maheshwari
18. Shri Sarda Mohanty
19. Shri V. Narayanasamy

20. Smt. Satya Bahin
21. Smt. Sushma Swaraj
- \*\*22.

**SECRETARIAT**

- |                    |                               |                         |                           |
|--------------------|-------------------------------|-------------------------|---------------------------|
| 1. Shri G.L. Batra | — <i>Additional Secretary</i> | 3. Shri R.K. Chatterjee | — <i>Deputy Secretary</i> |
| 2. Shri S.C. Gupta | — <i>Joint Secretary</i>      | 4. Shri T.D. Dhingra    | — <i>Under Secretary</i>  |

**REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(LEGISLATIVE DEPARTMENT)**

- |                      |  |                           |   |
|----------------------|--|---------------------------|---|
| 1. Shri B.P. Jayakar | — <i>Joint Secretary and<br/>Legislative Counsel</i> | 4. Shri M.S. Sharma       | — <i>Additional Legislative<br/>Counsel</i> |
| 2. Shri N.K. Agarwal | — <i>Joint Secretary and<br/>Legislative Counsel</i> | 5. Shri T.K. Vishwanathan | — <i>Additional Legislative<br/>Counsel</i> |
| 3. Shri B.R. Atre    | — <i>Joint Secretary and<br/>Legislative Counsel</i> |                           |   |

**REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE  
(DEPARTMENT OF FAMILY WELFARE)**

- |                        |                          |                     |                          |
|------------------------|--------------------------|---------------------|--------------------------|
| 1. Shrimati Usha Vohra | — <i>Secretary</i>       | 3. Shri S.B. Mishra | — <i>Joint Secretary</i> |
| 2. Shri A.K. Mukherjee | — <i>Acting D.G.H.S.</i> | 4. Shri S.S. Kapur  | — <i>Director</i>        |

\*Appointed w.e.f. 20.12.1991 vice Shri K.R. Narayanan resigned.

\*\* Shri Bhaskar Annaji Masodkar ceased to be a member of the Committee w.e.f. 4.7.1992 on the expiry of his term in Rajya Sabha and the vacancy was not filled up.



## REPORT OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

1. The Chairperson of the Joint Committee to which the Bill\* viz. the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991 was referred, having been authorised to submit the Report on their behalf, present this Report.

2. The Bill was introduced in the Lok Sabha on 12 September, 1991. The motion for reference of the Bill to a Joint Committee of both Houses of Parliament was moved in Lok Sabha by Shri M.L. Fotedar, Minister of Health and Family Welfare on 16 September, 1991 and was adopted (*Appendix I*).

3. The Rajya Sabha concurred in the said motion on 17 September, 1991 (*Appendix II*).

4. The message from Rajya Sabha was published in Lok Sabha Bulletin Part II on 19 September, 1991.

5. The Committee held 18 sittings in all.

6. The first sitting was held on 22 October, 1991. At this sitting, the Committee considered their future programme of work and decided to issue a press communique inviting memoranda containing suggestions/comments on the Bill by 22 November, 1991 from the State Governments, Union Territory Administrations, Bar Councils, Medical Associations and other individuals interested in the subject matter of the Bill for their consideration. They also desired that the contents of the press communique be given wide publicity through the Press/Television/A.I.R., etc. The Ministry should also consider the measures to give wide publicity to the contents of the Bill to create public awareness.

The Committee also decided that a letter might be addressed to all the State Governments, Union Territory Administrations, Women Organisations, other social organisations, educational institutes, persons in medical and legal profession and other individual experts who have worked in this field, inviting their comments/suggestions on the Bill.

The Committee also suggested that a specific questionnaire might be framed by the Ministry of Health and Family Welfare, which could be sent to these organisations/experts for eliciting their views. The Committee agreed to give a period of four weeks to the organisations/bodies/individuals to submit their memoranda to the Committee.

7. Accordingly, a press communique inviting Memoranda and requests for oral evidence was issued on 23 October, 1991.

As per decision taken by the Committee a letter inviting Memoranda containing comments/suggestions on the provisions of the Bill was also issued to all the State Governments/Union Territory Administrations and individuals whose names were furnished by the Ministry of Health and Family Welfare. The Ministry of Health and Family Welfare also gave publicity through leading newspapers inviting memoranda from the general public by 25 December, 1991.

8. 304 Memoranda containing comments/suggestions on the provisions of the Bill were received by the Committee from various organisations/individuals etc. (*Appendix III*).

9. The Committee visited Bombay and Jaipur from 18 to 20 May, 1992. At Bombay, the Committee took oral evidence of three non-official organisations and also held discussion with 19 other persons representing different organisations/hospitals/individuals/experts, etc. on 18 May, 1992. On 19 May, 1992 the Committee visited two hospitals in Bombay viz., J.J. Hospital and Bombay Hospital and held informal discussion with the Senior Doctors. The Committee also held discussion with the representatives of the State Government of Maharashtra on 19 May, 1992.

At Jaipur, the Committee took oral evidence of some non-official organisations and some other individuals representing different hospitals/organisations, etc. The Committee also held discussion with the officials of the State Government of Rajasthan on 20 May, 1992.

10. The Committee took oral evidence of 23 non-official organisations, five experts in the field and a number of other individuals also at their sittings held on 20 and 21 January, 20 February, 18 to 20 May and 7 July, 1992. A list of persons who gave evidence before the Committee is at (*Appendix IV*).

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\* Published in the Gazette of India, Extra-ordinary, Part II, Section II, dated 12 September, 1991.



11. The Report of the Committee was to be presented to the House by the end of the Budget Session, 1992. However, the Committee were granted two extensions of time for presentation of their Report—first on 27 February, 1992 upto the end of the Monsoon Session, 1992; and the second on 19 August, 1992 upto the end of the Winter Session, 1992.

12. The Committee held Clause-by-Clause discussion on the provisions of the Bill on the basis of amendments proposed by the Members at their sittings held on 2, 3, 19 and 20 November, 1992.

13. At their sitting held on 16 December, 1992, the Committee decided that (i) the evidence tendered before the Committee might be laid on the Table of both the Houses of Parliament; and (ii) two copies each of Memoranda received by the Committee might be placed in the Parliament Library, after the report has been presented, for reference by the Members of Parliament.

14. The Committee considered and adopted the Report at their sitting held on 16 December, 1992.

15. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

#### *Caluse 2—Definitions*

16. While considering this clause in the light of the amendments proposed to clause 2(c) (d) (e), some Members expressed the view that, in order to prevent misuse of pre-natal diagnostic techniques for the purpose of determining the sex of foetus, these facilities should be permitted only in the Government Hospitals. Some other Members, however, opined that there is already pressure on Government institutions for the facilities available for pre-natal diagnosis and they may not be able to cater to the needs of the people all over the country. Therefore, it would not be desirable to prohibit such facilities in the private institutions. The Committee are of the view that the facilities for the pre-natal diagnosis should be permitted both in the Government as well as the private sector, provided the latter conform to the requirements of the Act.

#### *17. Sub-clause (c)*

While considering the existing definition of "Genetic Counselling Centre", the Committee were of the opinion that "Counselling" the patient can be done even at any place other than that where obstetrical or gynaecological procedures are being conducted. The Committee have therefore decided to modify the definition of Genetic Counselling Centre to read as "an Institute, Hospital, Nursing Home or any place by whatever name called, which provides for genetic counselling to patients."

#### *18. Sub-clause (d)*

The Committee feel that a distinct from the "Counselling Centre" a "genetic clinic" is a place, by whatever name called, where pre-natal diagnostic procedures are conducted. Therefore, the Committee have modified the existing definition accordingly.

#### *19. Sub-clause (e)*

The Committee feel that the "Genetic Laboratory" conducts analysis or tests of samples received from the "Genetic Clinic" which undertakes the gynaecological procedures and not from the "Counselling" Centre which may be only by word of mouth and, therefore, the sub-clause has been modified accordingly to substitute the words "Counselling Centre" by the word "Clinic".

20. The Committee are of the opinion that although it is desirable to have the (i) Genetic Counselling Centre; (ii) Genetic Clinic; and (iii) Genetic Laboratory, under one composite umbrella, it may not always be feasible to have them at one place.

#### *21. Sub-clause (f)*

The Committee feel that there is no difference between a "gynaecologist" and "Obstetrician" who possess the same basic qualifications. Therefore, the Committee have amended this sub-clause to incorporate in the definition of a "gynaecologist", an "Obstetrician" also.

22. The Committee are also of the opinion that since a gynaecologist, an obstetrician and a paediatrician are the group which is involved in the field of medical genetic, and at places only a paediatrician may be rendering the counselling, it is necessary to provide a separate definition of a "paediatrician" also. The Committee have, therefore, decided to add a new sub-clause to define the "paediatrician".

#### *23. Sub-clause (h) & (i)*

While considering the definition of "pre-natal diagnostic procedures" and "pre-natal diagnostic tests" in clause 2(h) and 2(i), the Committee felt that "ultrasonography" is one of the techniques which is being used



extensively not only to detect certain abnormalities or diseases but also for determination of sex. In order to check misuse of this technique by unscrupulous institutions, the Committee have decided to include "ultrasonography" in the ambit of these procedures and tests and amended the definitions of "pre-natal diagnostic procedures" and "pre-natal diagnostic tests" accordingly.

### Clause 3

24. While considering the various amendments to this clause which provides for regulation of Genetic Counselling Centres, Laboratories, and Clinics, the Committee discussed at length the question whether suitable provision should be made in the Bill for registration of the ultrasound machine to check its misuse by some unscrupulous persons for sex determination. While some Members were in favour of such registration, the Committee decided that there are already adequate regulatory provisions in the Bill regarding misuse of the ultrasound machines for pre-natal sex determination and hence it was not necessary to register them as these machines are also used for various other purposes. Further, there are a large number of other sophisticated machines and equipment which are being used for genetic and other investigations for which no such registration is prescribed. It was, therefore, not necessary to make any provision in the Bill for registration of ultrasound machines.

#### Sub-clause (3)

25. The Committee have decided to add the word "paediatrician" after the word "gynaecologist" for the reasons explained in para 22 above.

### Clause 4

#### Sub clause 3 (iii)

26. This sub-clause *inter alia* provides that no person shall seek or encourage the performance of any pre-natal diagnostic technique on any pregnant woman except for the purposes mentioned therein. According to this sub-clause a pre-natal diagnostic technique can be performed on a pregnant woman if she had been exposed to potentially teratogenic drugs, radiation, infection or hazardous chemicals. However, the Committee feel that even non-hazardous chemicals can be teratogenic. The key word in the provision is "teratogenic". Therefore, the Committee have decided to delete the word "hazardous" before the word "chemicals". Besides, the Committee have added the words "agents such as" before the word "drugs" to make the provision more comprehensive.

### Clause 5

27. This clause provides that before the pregnant woman is subjected to pre-natal diagnostic technique the person conducting such test shall explain all the side and after effects of undertaking such tests and has obtained her consent in writing to undergo such procedures. The Committee observe that sometime a pregnant woman is made to undergo these tests without understanding fully their implications. Therefore, in order to inform the woman about the tests being done on her, it is necessary that all known side and after effects of the pre-natal diagnostic procedures are explained to the pregnant woman in the regional language in which she can understand. Besides, it is also necessary that, except in cases, where the test is specifically meant for the detection of sex linked disorder, sex of the foetus is not conveyed to the woman or her relatives in any manner. The clause has been amended accordingly to incorporate that the written consent of the pregnant woman should be obtained in the concerned regional language as may be prescribed by the rules and regulations of this Act, and after giving a copy of the same to the woman; and unless a test is specifically meant for the detection of sex-linked disorders, the sex of the foetus shall not be communicated verbally or symbolically or in writing or in any other form to the woman on whom it is conducted, or her relatives.

28. Besides, for the existing phrase "all possible effects" the Committee have decided to change it to the words "all known effects", because with the rapid advances being made in the medical field at any given point of time the doctor performing the diagnostic procedures may not be aware of the developments; therefore, it is necessary to protect the doctor acting in good faith. Therefore, the doctor is bound to inform the woman only all the "known" effects and not necessarily all the "possible" effects.

### Clause 7

29. This clause provides for the constitution of Central Supervisory Board to exercise the powers and perform the functions conferred on the Board, under Clause 16. The Minister incharge of Family Welfare is the Chairman, *ex-officio*. The Committee feel that the Board should be strengthened to include the Director-General of Health Services of the Central Government, *ex-officio*; 2 paediatricians and three women members of



Parliament, 2 from Lok Sabha and 1 from Rajya Sabha. The Committee are of the opinion that since the Bill concerns a large section of our female population and the Members of Parliament represent them, the women Members of Parliament should find a representation on the Board even though they have multifarious responsibilities. The Committee also feel that as against 2 members to be appointed by the Central Government to represent the States and Union Territories, there should be 4 members from the States. Further, the Bill provides for appointment of Members of States in alphabetical order. The Committee, however, feel that if the alphabetical order is followed strictly the States which may be in the lower alphabetical order may find representation on the Board only after a number of years and their view point may not find adequate representation even though the intensity of their problem may be very acute. The Committee have, therefore, decided the instead of following the alphabetical order for all the 4 members representing the States, 2 members may be in the alphabetical order and 2 in the reversed alphabetical order to represent the States and Union Territories. The Committee have made the amendments accordingly.

#### *Clause 8*

30. This clause provides for the term of office of the members appointed to the Central Advisory Board. The Committee feel that in order that the Board gets the view of the various States, in a short span of time, the term of the office of the representatives of the States may be fixed at one year as against 3 years for other categories of representatives contemplated in the Bill.

#### *Clause 14*

31. This clause provides for disqualification for appointment as members of the Central Supervisory Board. The Committee feel that those persons who have been associated with the use or promotion of pre-natal diagnostic techniques for determination of sex should be disqualified from being members of the Supervisory Board. Accordingly, the Committee have decided to provide a new sub-clause (f) which provides that a person should be disqualified from being appointed as a member if he has, in the opinion of the Central Government, been associated with the use or promotion of pre-natal diagnostic techniques for the determination of sex.

#### *Clause 16*

32. One of the functions of the Central Supervisory Board is stated to be to create public awareness against the practice of female foeticide. The purpose of the Bill is to discourage the practice of pre-natal sex-determination itself to prevent its misuse. Therefore, the Committee have modified the relevant provision to provide for creating public awareness not just against the practice of female foeticide but basically against the pre-natal sex-determination, whether or not it leads to female foeticide. Therefore, the words "pre-natal sex determination and" have been added at the appropriate place.

#### *Clause 17*

33. This clause provides for the appointment of Appropriate Authorities for discharging the functions of granting registration enforcing standards prescribed for such Centres, Laboratories and Clinics, suspension or cancellation of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and to enforce standards prescribed for such Centres, Laboratories and Clinics. It also provides for the appointment of Advisory Committee to advise the Appropriate Authorities in the discharge of their functions.

#### *Sub-clauses (1) and (2)*

34. In sub-clause (1) and sub-clause (2), the existing Bill provides that the Central Government or the State Government shall appoint one or more "offices" as Appropriate Authorities for each of the Union territories/ States etc. The Committee feel that the existing provision needs to be amplified inasmuch as there could be one or more Appropriate Authorities for the whole or part of the State or Union Territory for the purposes of this Act keeping in view the intensity of the problem of pre-natal sex determination leading to female foeticide. Therefore, the Committee have amended these sub-clauses accordingly.

#### *Sub-clause (3)*

35. In this sub-clause the present provision States that the Appropriate Authorities contemplated in sub-clauses (1) and (2) shall be of or above the rank of Joint Director of Health and Family Welfare of the State Government or a Union Territory, as the case may be. In this connection, the Committee appreciate that at the district level officers of the rank of Joint Director or above may not be available. Therefore, the Committee have amended the clause to provide *inter-alia* for officers "of or above the rank of Joint Director of Health and Family Welfare or such other rank of the State Government or of the Union Territory, as the Central Government or the State Government, as the case may be, may deem fit to appoint."



*Sub-clause (4)*

36. While discussing this sub-clause, the Committee have felt that while discharging the functions of Appropriate Authority, it should be obligatory for the Authority to seek and consider the advice of the Advisory Committee, constituted under sub-clause (5) of clause 17 on matters relating to grant of registration, complaints or suspension or cancellation of the registration etc. Accordingly, the Committee have added a new sub-clause to this sub-clause to provide for it.

*Sub-clause (5)*

37. The existing provisions in the Bill do not give adequate representation to certain interests to make the Advisory Committee effective. The Committee are of the opinion that the Advisory Committee should include a paediatrician, a legal expert as also an officer concerned with the information and publicity of the concerned Department. The Committee feel that since the Appropriate Authority is to be guided by this Advisory Committee, the opinions emerging from the Advisory Committee should be well considered from all angles, for which these interests should be properly represented. The Committee have also decided to include a provision that one of the Members of the Advisory Committee should be appointed as the Chairman of the Committee by Central Government or the State Government as the case may be, to guide the deliberations and to discharge the various functions of the Committee. The Committee also feel that only those persons should be represented on this Committee who are in no way associated with the use or promotion of the pre-natal diagnostic techniques for determination of sex. This sub-clause has been amended accordingly. The Committee have also come to the conclusion that the Advisory Committee should meet at reasonably fixed intervals which could be provided in the rules so that the Advisory Committee can render useful advice to the Appropriate Authority at the appropriate times. The sub-clause has been amended accordingly.

*Clause 18*

38. This clause provides for registration of all Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics engaged in conducting pre-natal diagnostic techniques. The Committee feel that in order to cover any loophole, it is necessary to provide for registration of the Genetic Centre, Laboratory or clinic functioning "either separately or jointly". The Committee have amended sub-clauses (1), (3) and (4) of this clause accordingly.

*Clause 19*

39. Sub-clause (1) has been amended to include the words "Either separately or jointly" as explained in regard to clause 18 above.

*Clause 22*

40. This clause bans advertisements by a Genetic Counselling Centre, Laboratory or a Clinic relating to pre-natal diagnostic techniques and also provides for the punishment for its contravention. The Committee have amended the sub-clause (1) to provide that even any agent on behalf of a Centre, Laboratory or a Clinic shall be bound by these provisions.

41. The Committee are of the opinion that even those who print such an advertisement should also be punishable. Accordingly, the Committee have provided a new sub-clause (2) to this clause.

*Clause 23*

42. This clause provides for offences and penalties. The Committee feel that instead of all persons employed in a Counselling Centre, Laboratory or Clinic, only those persons who render professional or technical services should come within the purview of the penal clause of this Bill. The clause has been amended accordingly.

*Clause 24*

43. This clause provides that the court shall presume, unless the contrary is proved, that the pregnant woman has been compelled by her husband or the relative to undergo pre-natal diagnostic technique and such person shall be liable for abetment of the offence under sub-section (3) of section 23.

44. The Committee deliberated on the question at length whether the pregnant woman who undergoes such pre-natal diagnostic techniques should be exempted from such punishment, considering the social status and compulsions in which the Indian woman is placed today. However, the Committee felt that providing for punishment for the pregnant woman herself will go a long way in achieving cherished objectives of the Bill. Therefore, the Committee decided not to make any change in the present clause and to retain it as it is.



*Clause 28*

45. This clause provides that the court shall take cognizance of an offence under the Act only on a complaint made by the Appropriate Authority or any officer authorised by the Central Government or State Government or the Appropriate Authority or by a person who has given notice of not less than sixty days to the Appropriate Authority of the alleged offence and his intention to make a complaint to the court.

46. In clause (b) of sub-clause (1), the Committee have decided to amplify the existing provision to provide that any person "including a person representing any social organisation" could give a notice of his intention to make a complaint to the court.

47. The Committee have also felt that the existing provision of sixty 'notice' is too long for approaching the court. The Committee, have, therefore, decided to reduce it to thirty days. The Committee have amended the clause accordingly.

48. The Joint Committee recommend that the Bill, as amended, be passed.

NEW DELHI;  
16 December, 1992

Smt. D.K. THARADEVI SIDDHARTHA,  
*Chairperson*  
*Joint Committee on Pre-Natal*  
*Diagnostic Techniques (Regulation*  
*and Prevention of Misuse) Bill, 1991.*



## NOTE OF DISSENT

Having gone through the evidence from various groups, organisations and individuals, the undersigned discovered that in a large majority of cases, recommendations have been for keeping pre-natal diagnostic techniques confined to the Government sector. The available data leads us to agree with this point of view. It was suggested by some of us that at most, some specified apex institutions outside the Govt. sector may be allowed to conduct these tests.

We also found that some of the procedures and techniques are not exclusively for the detection of genetic defects or anomalies, but are used for more general purposes. Yet these too are being often utilised for pre-natal sex-determination. Ultra-sonography is so far the commonest technique to be misused in this way. Since such techniques serve many diverse medical purposes, it is not possible to keep them confined to the public sector like the tests for the detection of genetic defects and anomalies. However, it may be possible to check their misuse by a stringent system of registration.

In the Bill as reported by the Joint Committee, there is no provision for registration of ultra-sonography equipments etc. unless they are included among the equipments of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic. We are apprehensive, that this is likely to leave a loophole in the act allowing misuse of ultra-sonography technique and equipments. At the same time, in view of the fact that the recent proliferation of genetic clinics, laboratories etc. in the private sector is largely due to the rampant increase in the practice of pre-natal sex-determination, we feel that genetic tests which may be misused for the purpose and which have a limited application anyway, should have been confined, as a precautionary measure, to the Government sector.

We would like to record our dissent on these two points and would request that it be incorporated into the report.

NEW DELHI;  
*Dated the 17 December, 1992*

Smt. GEETA MUKHERJEE  
Smt. MALINI BHATTACHARYA  
Smt. SARLA MAHESHWARI



THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION  
AND PREVENTION OF MISUSE) BILL, 1991

(AS REPORTED BY THE JOINT COMMITTEE)

[Words underlined or side-lined indicate the amendments suggested by the  
Committee, asterisks indicate omissions.]

A

BILL

to provide for the regulation of the use of pre-natal diagnostic techniques for the  
purpose of detecting genetic or metabolic disorders or chromosomal abnor-  
malities or certain congenital malformations or sex-linked disorders and for  
the prevention of the misuse of such techniques for the purpose of pre-natal  
sex determination leading to female foeticide; and for matters connected  
therewith or incidental thereto.

BE it enacted by Parliament in the Forty-third Year of the Republic of India  
as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Pre-natal Diagnostic Techniques (Regulation  
and Prevention of Misuse) Act, 1992.

(2) It shall extend to the whole of India except the State of Jammu And  
Kashmir.

10 (3) It shall come into force on such date as the Central Government may, by  
notification in the Official Gazette, appoint.

Short title, ex-  
tent and com-  
mencement.



## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Appropriate Authority" means the Appropriate Authority appointed under section 17;

(b) "Board" means the Central Supervisory Board constituted under section 7;

(c) "Genetic Counselling Centre" means an institute, hospital, nursing home or any place, by whatever name called, which provides for genetic counselling to patients\*\*\*; 5

(d) "Genetic Clinic" means a clinic, institute, hospital, nursing home or any place, by whatever name called, which is used for conducting pre-natal diagnostic procedures; 10

(e) "Genetic Laboratory" means a laboratory and includes a place where facilities are provided for conducting analysis or tests of samples received from Genetic Clinic for pre-natal diagnostic test;

(f) "gynaecologist" means a person who possesses a post-graduate qualification in gynaecology and obstetrics; 15

(g) "medical geneticist" means a person who possesses a degree or diploma or certificate in medical genetics in the field of pre-natal diagnostic techniques or has experience of not less than two years in such field after obtaining—

(i) any one of the medical qualifications recognised under the Indian Medical Council Act, 1956; or 20

(ii) a post-graduate degree in biological sciences;

(h) "paediatrician" means a person who possesses a post-graduate qualification in paediatrics;

(i) "pre-natal diagnostic procedures" means all gynaecological or obstetrical or medical procedures such as ultrasonography foetoscopy, taking or removing samples of amniotic fluid, chorionic villi, blood or any tissue of a pregnant woman for being sent to a Genetic Laboratory or Genetic Clinic for conducting pre-natal diagnostic test; 25

(j) "pre-natal diagnostic techniques" includes all per-natal diagnostic procedures and pre-natal diagnostic tests; 30

(k) "pre-natal diagnostic test" means ultrasonography or any test or analysis of amniotic fluid, chorionic villi, blood or any tissue of a pregnant woman conducted to detect genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases;

(l) "prescribed" means prescribed by rules made under this Act; 35

(m) "registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and whose name has been entered in a State Medical Register;



(n) "regulations" means regulations framed by the Board under this Act.

## CHAPTER II

### REGULATION OF GENETIC COUNSELLING CENTRES, GENETIC LABORATORIES AND GENETIC CLINICS

5 3. On and from the commencement of this Act,—

(1) no Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic unless registered under this Act, shall conduct or associate with, or help in, conducting activities relating to pre-natal diagnostic techniques;

10 (2) no Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall employ or cause to be employed any person who does not possess the prescribed qualifications;

15 (3) no medical geneticist, gynaecologist paediatrician registered medical practitioner or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person, any pre-natal diagnostic techniques at a place other than a place registered under this Act.

Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics.

## CHAPTER III

### REGULATION OF PRE-NATAL DIAGNOSTIC TECHNIQUES

20 4. On and from the commencement of this Act,—

(1) no place including a registered Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall be used or caused to be used by any person for conducting pre-natal diagnostic techniques except for the purposes specified in clause (2) and after satisfying any of the conditions specified in clause (3);

25 (2) no pre-natal diagnostic techniques shall be conducted except for the purposes of detection of any of the following abnormalities, namely:—

- (i) chromosomal abnormalities;
- (ii) genetic metabolic diseases;
- (iii) haemoglobinopathies;
- 30 (iv) sex-lined genetic diseases;
- (v) congenital anomalies;
- (vi) any other abnormalities or diseases as may be specified by the Central Supervisory Board;

35 (3) no pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied that any of the following conditions are fulfilled, namely:—

- (i) age of the pregnant woman is above thirty-five years;

Regulation of pre-natal diagnostic techniques.



(ii) the pregnant woman has undergone of two or more spontaneous abortions or foetal loss;

(iii) the pregnant woman had been exposed to potentially teratogenic agents such as drugs, radiation, infection or \* \* \* chemicals;

(iv) the pregnant woman has a family history of mental retardation or physical deformities such as spasticity or any other genetic disease;

(v) any other condition as may be specified by the Central Supervisory Board;

(4) no person, being a relative or the husband of the pregnant woman shall seek or encourage the conduct of any pre-natal diagnostic techniques on her except for the purpose specified in clause (2).

10

Written consent of pregnant woman and prohibition of communicating the sex of foetus.

5. (1) No person referred to in clause (2) of section 3 shall conduct the pre-natal diagnostic procedures unless—

(a) he has explained all known side and after effects of such procedures to the pregnant woman concerned;

(b) he has obtained in the prescribed form her written consent to undergo such procedures in the language which she understands; and

15

(c) a copy of her written consent obtained under clause (b) is given to the pregnant woman.

(2) No person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives the sex of the foetus by words, signs or in any other manner.

20

Determination of sex prohibited.

6. On and from the commencement of this Act,—

(a) no Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall conduct or cause to be conducted in its Centre, Laboratory or Clinic, pre-natal diagnostic techniques including ultrasonography, for the purpose of determining the sex of a foetus;

25

(b) no person shall conduct or cause to be conducted any pre-natal diagnostic techniques including ultrasonography for the purpose of determining the sex of a foetus.

## CHAPTER IV

30

### CENTRAL SUPERVISORY BOARD

Constitution of Central Supervisory Board.

7. (1) The Central Government shall constitute a Board to be known as the Central Supervisory Board to exercise the powers and perform the functions conferred on the Board under this Act.

(2) The Board shall consist of—

35

(a) the Minister in charge of the Ministry or Department of Family Welfare, who shall be the Chairman, *ex officio*;



(b) the Secretary to the Government of India in charge of the department of Family Welfare, who shall be the Vice-Chairman, *ex officio*;

(c) two members to be appointed by the Central Government to represent the Ministries of Central Government in charge of Woman and Child Development and of Law and Justice, *ex officio*;

(d) the Director General of Health Services of the Central Government *ex officio*;

(e) ten members to be appointed by the Central Government, two each from amongst—

(i) eminent medical geneticists;

(ii) eminent gynaecologists and obstetricians;

(iii) eminent paediatricians;

(iv) eminent social scientists; and

(v) representatives of women welfare organisations;

(f) three women members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(g) four members to be appointed by the Central Government by rotation to represent the States and the Union territories, two in the alphabetical order and two in the reverse alphabetical order:

Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union territory;

(h) an officer, not below the rank of a Joint Secretary or equivalent of the Central Government, in charge of Family Welfare, who shall be the member-secretary, *ex officio*.

8. (1) The term of office of a member, other than an *ex officio* member, shall be—

Term of office of members.

(a) in case of appointment under clause (e) or clause (f) of sub-section (2) of section 7, three years; and

(b) in case of appointment under clause (g) of the said sub-section, one year.

(2) If a casual vacancy, occurs in the office of any other members, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled by the Central Government by making a fresh appointment and the member so appointed shall hold office for the remainder of the term of office of the person in whose place he is so appointed.

(3) The Vice-Chairman shall perform such functions as may be assigned to him by the Chairman from time to time.

(4) The procedure to be followed by the members in the discharge of their functions shall be such as may be prescribed.



Meetings of the Board.

9. (1) The Board shall meet at such time and place, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations:

Provided that the Board shall meet at least once in six months.

(2) The Chairman and in his absence the Vice-Chairman shall preside at the meetings of the Board. 5

(3) If for any reason the Chairman or the Vice-Chairman is unable to attend any meeting of the Board, any other member chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come up before any meeting of the Board shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote. 10

(5) Members other than *ex officio* members shall receive such allowances, if any, from the Board as may be prescribed. 15

Vacancies, etc., not to invalidate proceedings of the Board.

10. No act or proceeding of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a member of the Board; or 20

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Temporary association of persons with the Board for particular purposes.

11. (1) The Board may associate with itself, in such manner and for such purposes, as may be determined by regulations, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act. 25

(2) A person associated with it by the Board under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a member for any other purpose.

Appointment of officers and other employees of the Board.

12. (1) For the purpose of enabling it efficiently to discharge its functions under this Act, the Board may, subject to such regulations as may be made in this behalf, appoint (whether on deputation or otherwise) such number of officers and other employees as it may consider necessary: 30

Provided that the appointment of such category of officers, as may be specified in such regulations, shall be subject to the approval of the Central Government. 35

(2) Every officer or other employee appointed by the Board shall be subject to such conditions of service and shall be entitled to such remuneration as may be specified in the regulations.



13. All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of the member-secretary or any other officer of the Board authorised in like manner in this behalf.

Authentication of orders and other instruments of the Board.

14. A person shall be disqualified for being appointed as a member if, he—  
(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

Disqualifications for appointment as member.

10 (b) is an undischarged insolvent; or  
(c) is of unsound mind and stands so declared by a competent court; or  
(d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or  
(e) has, in the opinion of the Central Government, such financial or other interest in the Board as is likely to affect prejudicially the discharge by him of  
15 his functions as a member; or  
(f) has, in the opinion of the Central Government, been associated with the use of promotion of pre-natal diagnostic technique for determination of sex.

15. Subject to the other terms and conditions of service as may be prescribed, any person ceasing to be a member shall be eligible for re-appointment as such member.

Eligibility of member for re-appointment.

16. The Board shall have the following functions, namely:—

Functions of the Board.

(i) to advise the Government on policy matters relating to use of pre-natal diagnostics techniques;  
(ii) to review implementation of the Act and the rules made thereunder and  
25 recommend changes in the said Act and rules to the Central Government;  
(iii) to create public awareness against the practice of pre-natal determination of sex and female foeticide,  
(iv) to lay down code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics;  
30 (v) any other functions as may be specified under the Act.

## CHAPTER V

### APPROPRIATE AUTHORITY AND ADVISORY COMMITTEE

17. (1) The Central Government shall appoint, by notification in the Official Gazette, one or more Appropriate Authorities for each of the Union territories  
35 for the purposes of this Act.

Appropriate Authority and Advisory Committee.



(2) The State Government shall appoint, by notification in the Official Gazette, one or more Appropriate Authorities for the whole or part of the State for the purposes of this Act having regard to the intensity of the problem of pre-natal sex determination leading to female foeticide.

(3) The officers appointed as Appropriate Authorities under sub-section (i) or sub-section (2) shall be,—

(a) when appointed for the whole of the State or the Union territory, of or above the rank of the Joint Director of Health and Family Welfare; and

(b) when appointed for any part of the State or the Union territory, of such other rank as the State Government or the Central Government, as the case may be, may deem fit.

(4) The Appropriate Authority shall have the following functions, namely:—

(a) to grant suspend or cancel registration of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic;

(b) to enforce standards prescribed for the Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic;

(c) to investigate complaints of breach of the provisions of this Act or the rules made thereunder and take immediate action; and

(d) to seek and consider the advice of the Advisory Committee, constituted under sub-section (5), on application for registration and on complaints for suspension or cancellation of registration.

(5) The Central Government or the State Government, as the case may be, shall constitute an Advisory Committee for each Appropriate Authority to aid and advise the Appropriate Authority in the discharge of its functions, and shall appoint one of the members of the Advisory Committee to be its Chairman.

(6) The Advisory Committee shall consist of—

(a) three medical experts from amongst gynaecologists, obstetricians, paediatricians and medical geneticists;

(b) one legal expert;

(c) one officer to represent the department dealing with information and publicity of the State Government or the Union territory, as the case may be;

(d) three eminent social workers of whom not less than one shall be from amongst representatives of women's organisations.

(7) No person who, in the opinion of the Central Government or the State Government, as the case may be, has been associated with the use or promotion of pre-natal diagnostic technique for determination of sex shall be appointed as a member of the Advisory Committee.

(8) The Advisory Committee may meet as and when it thinks fit or on the request of the Appropriate Authority for consideration of any application for registration or any complaint for suspension or cancellation of registration and to give advice thereon:



Provided that the period intervening between any two meetings shall not exceed the prescribed period.

(9) The terms and conditions subject to which a person may be appointed to the Advisory Committee and the procedure to be followed by such Committee in the discharge of its functions shall be such as may be prescribed.

## CHAPTER VI

### REGISTRATION OF GENETIC COUNSELLING CENTRES, GENETIC LABORATORIES AND GENETIC CLINICS

18. (1) No person shall open any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic after the commencement of this Act unless such Centre, Laboratory or Clinic is duly registered separately or jointly under this Act.

Registration of Genetic Counselling Centres, Genetic Laboratories or Genetic Clinics.

(2) Every application for registration under sub-section (1), shall be made to the Appropriate Authority in such form and in such manner and shall be accompanied by such fees as may be prescribed.

(3) Every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic engaged, either partly or exclusively, in counselling or conducting pre-natal diagnostic techniques for any of the purposes mentioned in section 4, immediately before the commencement of this Act, shall apply for registration within sixty days from the date of such commencement.

(4) Subject to the provisions of section 6, every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic engaged in counselling or conducting pre-natal diagnostic techniques shall cease to conduct any such counselling or technique on the expiry of six months from the date of commencement of this Act unless such Centre, Laboratory or Clinic has applied for registration and is so registered separately or jointly or till such application is disposed of, whichever is earlier.

(5) No Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall be registered under this Act unless the Appropriate Authority is satisfied that such Centre, Laboratory or Clinic is in a position to provide such facilities, maintain such equipment and standards as may be prescribed.

19. (1) The Appropriate Authority shall, holding an inquiry and after satisfying itself that the applicant has complied with all the requirements of this Act and the rules made thereunder and having regard to the advice of the Advisory Committee in this behalf, grant a certificate of registration in the prescribed form jointly or separately to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, as the case may be.

Certificate of registration.

(2) if, after the inquiry and after giving an opportunity of being heard to the applicant and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that the applicant has not complied with the requirements of this Act or the rules, it shall, for reasons to be recorded in writing, reject the application for registration.



(3) Every certificate of registration shall be renewed in such manner and after such period and on payment of such fees as may be prescribed.

(4) The certificate of registration shall be displayed by the registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic in a conspicuous place at its place of business.

5

Cancellation or suspension of registration.

20. (1) The Appropriate Authority may *suo moto*, or on complaint, issue a notice to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic to show cause why its registration should not be suspended or cancelled for the reasons mentioned in the notice.

(2) If, after giving a reasonable opportunity of being heard to the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that there has been a breach of the provisions of this Act or the rules, it may, without prejudice to any criminal action that it may take against such Centre, Laboratory or Clinic, suspend its registration for such period as it may think fit or cancel its registration, as the case may be.

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(3) Notwithstanding anything contained in sub-sections (1) and (2), if the Appropriate Authority is of the opinion that it is necessary or expedient so to do in the public interest, it may, for reasons to be recorded in writing, suspend the registration of any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic without issuing any such notice referred to in sub-section (1).

20

Appeal.

21. The Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic may, within thirty days from the date of receipt of the order of suspension or cancellation of registration passed by the Appropriate Authority under section 20, prefer an appeal against such order to—

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(i) the Central Government, where the appeal is against the order of the Central Appropriate Authority; and

(ii) the State Government, where the appeal is against the order of the State Appropriate Authority,

in the prescribed manner.

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## CHAPTER VII

### OFFENCES AND PENALTIES

Prohibition of advertisement relating to pre-natal determination of sex and punishment for contravention.

22. (1) No person, organisation, Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall issue or cause to be issued any advertisement in any manner regarding facilities of pre-natal determination of sex available at such Centre, Laboratory, Clinic or any other place.

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(2) No person or organisation shall publish or distribute or cause to be published or distributed any advertisement in any manner regarding facilities of pre-natal determination of sex available at any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place.

40



(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

5 *Explanation.*—For the purposes of this section, “advertisement” includes any notice, circular, label, wrapper or other document and also includes any visible representation made by means of any light, sound, smoke or gas.

15 **23. (1)** Any Medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre, Laboratory or Clinic and renders his professional or technical services to or at such a Centre, Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made thereunder shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

Offences  
and  
penalties.

20 (2) The name of the registered medical practitioner who has been convicted by the court under sub-section (1), shall be reported by the Appropriate Authority to the respective State Medical Council for taking necessary action including the removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

25 (3) Any person who seeks the aid of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic or of a medical geneticist, gynaecologist or registered medical practitioner for conducting pre-natal diagnostic techniques on any pregnant woman (including such woman unless she was compelled to undergo such diagnostic techniques) for purposes other than those specified in clause (2) of section 4, shall, be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.

1 of 1872.

35 **24.** Notwithstanding anything in the Indian Evidence Act, 1872, the court shall presume unless the contrary is proved that the pregnant woman has been compelled by her husband or the relative to undergo pre-natal diagnostic technique and such person shall be liable for abetment of offence under sub-section (3) of section 23 and shall be punishable for the offence specified under that section.

Presumption in  
the case of con-  
duct of pre-natal  
diagnostic  
techniques.

40 **25.** Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

Penalty for  
contravention of  
the provisions  
of the Act or  
rules for which  
no specific  
punishment is  
provided.



Offences by companies.

26. (1) Where any offence, punishable under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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*Explanation.*—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals, and

(b) “director”, in relation to a firm, means a partner in the firm.

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Offence to be cognizable, non-bailable and non-compoundable.

27. Every offence under this Act, shall be cognizable, non-bailable and non-compoundable.

Cognizance of offences.

28. (1) No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the Appropriate Authority concerned, or any officer authorised in this behalf by the Central Government or State Government, as the case may be, or the Appropriate Authority; or

25

(b) a person who has given notice of not less than thirty days, in the manner prescribed, to the Appropriate Authority, of the alleged offence and of his intention to make a complaint to the court.

30

*Explanation.*—For the purpose of this clause, “person” includes a social organisation.

(2) No court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Where a complaint has been made under clause (b) of sub-section (1), the court may, on demand by such person, direct the Appropriate Authority to make available copies of the relevant records in its possession to such person.

35



## CHAPTER VIII

## MISCELLANEOUS

29. (1) All records, charts, forms, reports, consent letters and all other documents required to be maintained under this Act and the rules shall be preserved for a period of two years or for such period as may be prescribed:

Maintenance of records.

Provided that, if any criminal or other proceedings are instituted against any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, the records and all other documents of such Centre, Laboratory or Clinic shall be preserved till the final disposal of such proceedings.

(2) All such records shall, at all reasonable times, be made available for inspection to the Appropriate Authority or to any other person authorised by the Appropriate Authority in this behalf.

30. (1) If the Appropriate Authority has reason to believe that an offence under this Act has been or is being committed at any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, such Authority or any officer authorised thereof in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such authority or officer considers necessary, such Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic and examine any record, register, document book, pamphlet, advertisement or any other material object found therein and seize the same if such Authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

Power to search and seize records, etc.

(2) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizures shall, so far as may be, apply to every search or seizure made under this Act.

31. No suit, prosecution or other legal proceeding shall lie against the Central or the State Government or the Appropriate Authority or any officer authorised by the Central or State Government or by the Authority for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Protection of action taken in good faith.

32. (1) The Central Government may make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(i) the minimum qualifications for persons employed at a registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic under clause (1) of section 3;

(ii) the form in which consent of a pregnant woman has to be obtained under section 5;

(iii) the procedure to be followed by the members of the Central Supervisor Board in the discharge of their functions under sub-section (4) of section 8;



(iv) allowances for members other than *ex officio* members admissible under sub-section (5) of section 9;

(v) the period intervening between any two meetings of the Advisory Committee under the proviso to sub-section (8) of section 17;

(vi) the terms and conditions subject to which a person may be appointed to the Advisory Committee and the procedure to be followed by such Committee under sub-section (9) of section 17; 5

(vii) the form and manner in which an application shall be made for registration and the fee payable thereof under sub-section (2) of section 18;

(viii) the facilities to be provided, equipment and other standards to be maintained by the Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic under sub-section (5) of section 18; 10

(ix) the form-in which a certificate of registration shall be issued under sub-section (1) of section 19;

(x) the manner in which and the period after which a certificate of registration shall be renewed and the fee payable for such renewal under sub-section (3) of section 19; 15

(xi) the manner in which an appeal may be preferred under section 21;

(xii) the period upto which records, charts, etc., shall be preserved under sub-section (1) of section 29; 20

(xiii) the manner in which the seizure of documents, records, objects, etc., shall be made and the manner in which seizure list shall be prepared and delivered to the person from whose custody such documents, records or objects were seized under sub-section (1) of section 30;

(xiv) any other matter that is required to be, or may be prescribed. 25

Power to make regulations.

33. The Board may, with the previous sanction of the Central Government, by notification in the Official Gazette make regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for—

(a) the time and place of the meetings of the Board and the procedure to be followed for the transaction of business at such meetings and the number of members which shall form the quorum under sub-section (1) of section 9; 30

(b) the manner in which a person may be temporarily associated with the Board under sub-section (1) of section 11;

(c) the method of appointment, the conditions of service and the scales of pay and allowances of the officer and other employees of the Board appointed under section 12; 35

(d) generally for the efficient conduct of the affairs of the Board.



34. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.



## APPENDIX-I

(Vide paragraph 2 of the Report)

### MOTION IN LOK SABHA FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE

"That the Bill to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations of sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide; and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 22 members, 15 from this House, namely:—

1. Smt. Dil Kumari Bhandari
2. Smt. Malini Bhattacharya
3. Smt. Saroj Dubey
4. Smt. Girija Devi
5. Dr. Viswanatham Kanithi
6. Smt. Sumitra Mahajan
7. Shri K.R. Narayanan
8. Dr. Kartikeswar Patra
9. Dr. Vasant Niwrti Pawar
10. Dr. Mahavirsinh Harisinhji Gohil
11. Smt. Geeta Mukherjee
12. Dr. (Smt.) K.S. Soundaram
13. Smt. D.K. Tharadevi Siddartha
14. Kumari Uma Bharati
15. Kumari Vimla Verma

and 7 from Rajya Sabha.

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the Budget Session, 1992;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 7 members to be appointed by Rajya Sabha to the Joint Committee."



## APPENDIX-II

(Vide paragraph 3 of the Report)

### MOTION IN RAJYA SABHA FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide; and for matters connected therewith or incidental thereto and resolves that the following seven Members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Bhaskar Annaji Masodkar
2. Shri V. Narayanasamy
3. Shrimati Satya Bahin
4. Shri Sarada Mohanty
5. Shrimati Sarala Maheshwari
6. Kumari Chandrika Premji Kenia
7. Shrimati Sushma Swaraj"



### APPENDIX-III

(Vide para 8 of the Report)

#### LIST OF ASSOCIATIONS/ ORGANISATIONS, INDIVIDUALS ETC. FROM WHOM MEMORANDA WERE RECEIVED BY THE JOINT COMMITTEE

1. Shri P.K. Umashankar,  
Director,  
Indian Institute of Public Administration, Indraprastha Estate, Ring Road,  
New Delhi-110002.
2. Shri E.S. Lala,  
Air Vice Marshal (Retd.),  
Secretary-General,  
Family Planning Association of India,  
Bajaj Bhavan, Nariman Point,  
Bombay-400021.
3. Shri Suresh Prasad Saha, Principal,  
Sumangal Convent,  
3, Panchanantala Road,  
Ram Lakshi Bustee Lane,  
Jagatdal North 24 Pgas,  
Pin-743194.
4. Shri P.G. Ramachandran,  
Executive Secretary,  
Member, Governing Body,  
Population Services International,  
E-18A, East of Kailash,  
New Delhi-110065.
5. Shri Lopa Banerjee,  
Saheli,  
Above Shop 105-108,  
Shopping Complex,  
Under Defence Colony Flyover,  
South Side, New Delhi-110024.
6. Dr. (Miss) V.N. Khare,  
A-701, Kaveri Apartments,  
Alaknanda,  
New Delhi-110019.
7. Shri Harish Khanna,  
Executive Director,  
Family Planning Foundation,  
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Main Road,  
Purulia-723101,  
West Bengal.208. Mr. Suresh Chandra Singh,  
Nag Nagar,  
Distt. Jamshedpur-3630001.

\*209.

\* Names and Addresses were not indicated on these memoranda.



210. The Joint Secretary,  
Government of West Bengal,  
Department of Health & Family Welfare,  
Family Welfare Branch,  
CIT (Annexe) Building, 4th Floor,  
P-16, India Exchange Place Extn.,  
Calcutta-73.
211. Shri Bimal Kumar Roy,  
Karanchi Road,  
Patna.
- \*212.
- \*213.
- \*214.
215. Shri Joy Banrhi,  
Nalhate,  
Birbhum.
216. Ms. Geeta Devi,  
Prog. Coordinator, PREM,  
Suryanagar, Opp. Commercial Tax Office,  
Berhampur.
- \*217.
218. Shrimati Punam Devi.  
Gaya, Bihar.
- \*219.
220. Bala Mohan,  
Sidri, Dhanbad, Bihar.
221. Shri Ajoy Bose,  
Karkand,  
Dhanbad, Bihar.
222. Ms. Salma Begam  
Goa Bagan, 24 Pargana. W.B.
223. Ms. Kalpana Mandal,  
Govind Pur, Dhanbad,  
Bihar.
224. Ms. Soma Chakroborty .  
Dhanbad.
225. Ms. Bina Gupta,  
Ahiran, Murshidabad, W.B.
226. Mr. Amrindo Biswas  
Murai, Birbhum, W.B.
227. Dr. Vijay Sharma,  
President, Health Care Organisation (India),  
H.O. 10/10, Chakravorty Street,  
Kurukshetra-132118.
228. Shri Pulak Banerjee,  
Gandhi Nagar,  
Dhanbad, Bihar.

\* Names and Addresses were not indicated on these memoranda.



229. Shri Sonali Singh,  
Tulshi Pur,  
Moti Colony,  
Cuttack-8.
230. Shri Narayan Manghi,  
Village Mohuda,  
District Bokard.
231. Dr. K.N. Chandrasekharan Pillai,  
Professor, Department of Law,  
Cochin University of Science & Technology,  
Cochin-682022.
232. The Joint Secretary,  
Government of West Bengal,  
Department of Health & Family Welfare,  
Calcutta-700073.
233. Shri Ariane Loening  
Post Box No. 16294,  
Savat Bose Road, P.O.,  
Calcutta-700029.
234. Shri Jawahar Lal Saha,  
Shivher,  
Distt. Sitamari,  
Bihar-843329.
235. Shri R.R. Singh,  
Professor,  
Department of Social Work,  
University of Delhi,  
3, University Road, Delhi-110007.
236. Shri Bal Mukundhar Dwevedi,  
Azad Nagar, Civil Lines,  
Gonda (U.P.)
237. Dr. (Mrs.) K. Lakshmi Raghu Ramaiah,  
& 47, Harrington Road,  
238 14th Avenue, Chetput,  
Madras-600031.
239. Shri Pritivi Rai,  
34, Raman Avenue,  
Amritsar, Punjab.
240. Mrs. Sebita Gosh,  
Vill. Bhatra,  
P.O. B. Bhatra,  
Distt. Bibbham.
241. Ms. Rani Jethmalani,  
Advocate, Supreme Court of India,  
Express Building,  
9-10, Bahadurshah Zafar Marg,  
New Delhi-110002.



242. Shri Hazel Samuel,  
Coordinator,  
AIACHE's Centre for Women's Development,  
Lokabodhan Kendra,  
39, Institutional Area,  
D Block, Janakpuri,  
New Delhi - 110058.
243. Shri S.P. Nachiappan,  
Indian Bank,  
Karampakudi  
Pin Code-622302.
244. Ms. Sadhna Srivastava,  
Brwadeh Railway Colony,  
36/12, Distt. Palamu,  
Bidhar.
245. Putul Chakraborty
246. Ms. Sushila Devi,  
Kankar Bag Housing Colony,  
Patna, Bihar.
247. Ms. Saidia Begam,  
Azamganj,  
Bihar.
248. Ms. Sarojini Devi,  
Shastri Nagar,  
Dhanbād, Bihar.
249. Sovna Paul,  
Gandhi Nagar,  
Sovna Niwas,  
Dhanbad, Bihar.
250. Ms. Renuka Ray  
Cuttack,  
Orissa.
251. Ms. Sumitra Mukherjee,  
Birbhum, West Bengal.
252. Ms. Punam Rani,  
Housing Colony, Bachhar, Dhanbad,  
Bihar.
253. Ms. Sobharani Desai,  
B.C.C.L. Colony,  
Dhanbad, Bihar.
- \*254.
255. Shri Kalyani Karlekar,  
President, Calcutta Social Project,  
172/3, Rash Behari Avenue,  
Calcutta - 700029.
- \*256.
257. Shri Nirmal Kumar Yadav,  
Post Barakar,  
West Bengal - 326002.

\* Names and Addresses were not indicated on these memoranda.



258. Shri Gobind Prasad Singh,  
Post: Marara,  
Distt. Hazaribagh,
- \*259.
260. Shri Jagdish Singh,  
Vill. Bhandar Deh,  
Raniganj, Asansol,  
West Bengal.
261. Shri Devi Dayal Mehto,  
Vill. Dhokkra, Post Damoda,  
Distt. Dhanbad, Bihar.
262. Shri N. Law Kumar Sharma,  
Post Bhabhuwar, Distt. Rohtash,  
Pin-653002.
263. Mr. Amullo Roy,  
24 Pargana,  
Sadhpur.
264. Shri Dayal Sharma,  
Post Bhuli,  
Distt. Dhanbad, Bihar.
265. Shri Krishnan Kishore Nanda,  
Muzaffarpur, Bihar.
266. Shri Alok Nath Kour,  
Post Haripur, Distt. Champaran,  
Bihar.
267. Shri Ajonull Kumar,  
Rajganj.
268. Shri Rajani Kant Prasad,  
Post Hasanpur,  
District Mungher.
269. Shri Kishore Singh,  
Village Rajganj,  
Post Office Rajganj,  
Distt. Dhanbad, Bihar.
270. Shri Mahendra Prasad Varma,  
Post Begam Kucha,  
Distt. Purnia, Bihar.
271. Daniel J. Theophilus,  
Hon. Director,  
Centre for Labour Education and Social Research,  
Junior Rest House, South Eastern Coalfields,  
Seepath Road, Bilaspur - 495001,  
Madhya Pradesh.
272. Ms. Brirda Karat,  
All India Democratic Women's Association,  
V.P. House, New Delhi.

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Names and Addresses were not indicated on these memoranda.



273. Dr. Bashir A. Ahmodi, M.D., & others  
10A, Ajanta Comm. Centre,  
1st Floor, Ashram Road,  
Ahmedabad-380014.
274. Mrs. Sardha Pradhan,  
President,  
Association for Social Health in India,  
Sikkim Branch,  
Gangtok.
275. Coordinator,  
Rupantar Research & Study Centre,  
Bildibada, Handipara,  
Post Box No. 130,  
Raipur - 492001 (M.P.)
276. Ms. Lovely Arora,  
139, Kavita Colony,  
Nangloi, Delhi.
277. Mr. Gurmeet Singh,  
WZ-53A, Santgarh,  
P.O. Tilak Nagar,  
New Delhi-110018.
278. Shri B. Marwein, MCS.,  
Deputy Secretary to the Govt. of Meghalaya,  
Health and Family Welfare Department,  
Government of Meghalaya, Meghalaya.
279. Ms. Indu
280. Shri Shyamala Pappu,  
Senior Advocate, Supreme Court of India,  
A-16, Neeti Bagh (GF),  
New Delhi - 110049.
281. Shri B.B. Patil,  
Joint Secretary, Public Health Department,  
Mantralaya,  
Bombay - 400032.
282. Shri Ramnaresh Singh,  
T-662/A.I. Baljeet Nagar,  
New Delhi - 15.
283. Shri Yash Kumar Chopra,  
Shakti Nagar,  
Son Bhadra, U.P.
284. Shri Chittaranjan De, LL.B.,  
Officiating Secretary,  
Bar Council of West Bengal,  
2 & 3, Kiransankar Roy Road,  
Calcutta - 700001.
285. Shri P.K. Ray,  
Joint Secretary to the Government of West Bengal,  
Family Welfare Branch,  
CIT (Annexe) Building, 4th Floor,  
P-16, India Exchange Place Extension,  
West Bengal.



286. Ms. Baladevi,  
WZ-277, Basaidharapur,  
New Delhi.
287. Ms. Purwa Kushwaha,  
Executive Secretary,  
Rajasthan Vountary Health Association,  
Shanti Niketan, A-5, Mahavir Udhyan Path,  
Bajaj Nagar, Jaipur - 302015.  
Rajasthan.
288. Women's Rehabilitation Group,  
Jaipur.
289. Shri A. Perti, I.A.S.,  
Secretary to the Government of Assam,  
Health & Family Welfare (B) Department,  
Assam.
290. Dr. A.N. Sinha,  
Officer on Special Duty (Medical),  
Delhi Administration, Delhi.
291. Shri Prem Goel, Secretary,  
The Bar Council of Himachal Pradesh,  
Ravens Wood, Shimla - 171001.
292. Smt. Susan Mathew, I.A.S.,  
Special Secretary to Government,  
Health and Family Welfare Department,  
Madras.
293. Shri K.L. Madan,  
Deputy Secretary to Government,  
Medical & Health (Gr. III) Department,  
Government of Rajasthan, Rajasthan.
294. Dr. (Mrs.) B. Chadha,  
HOD Obstt. & Synae,  
Kasturba Hospital, Delhi - 2.
295. Dr. A.M. Lele,  
Incharge of the Genetic Division,  
Department of Anatomy,  
Grant Medical College,  
Byculla, Bombay - 400008.
296. Dr. Bomsu Wadia,  
Patel Chambers, (French Bridge),  
Kala Maharshi Haldankar Pul,  
Opera House Cinema Junction,  
Above Vysya Bank,  
Bombay - 400007.
297. Dr. (Mrs.) I. Manorama Thomas,  
St. John's Medical College,  
Bangalore - 560034.
298. Dr. S.M. Merchant,  
Acharya Donde Marg, Parel,  
Bombay - 400012.



299. Ms. Geeta Talukdar,  
Vivekananda Institute of Medical Sciences,  
99, Sarat Bose Road,  
Calcutta - 700026.
300. Prof. Ishwar C. Verma,  
All India Institute of Medical Sciences,  
Genetic Unit, Department of Pediatrics,  
Old Operation Theatre Building,  
Ansari Nagar, New Delhi - 110029.
301. Dr. S.S. Agarwal,  
Sanjay Gandhi Post-Graduate Institute of Medical Sciences,  
P.O. 375, Lucknow - 226001.
302. Dr. Zareen Patel,  
Asstt. Director,  
ICMR Genetic Research Centre,  
Bai Jerbai Wadia, Hospital for Children,  
Acharya Donde Marg, Parel,  
Bombay - 400012.
303. Dr. Viswanatham Kaniti, M.P.
304. Smt. Satya Bahin, M.P.  
(Rajya Sabha).



#### APPENDIX IV

(Vide para 10 of the Report)

#### LIST OF WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE JOINT COMMITTEE

1. (i) Ms. Lopa Banerjee,  
(ii) Ms. Nalini Banot, Saheli Women's Resource Centre.
2. Dr. C. Sathyamala, Medico Friends Circle.
3. Dr. Mira Shiva, Voluntary Health Association of India.
4. Ms. Rama Vasudevan, People's Union for Democratic Rights.
5. Dr. Mrs. Nalini Abraham, Family Planning Foundation.
6. (i) Mrs. Pramila Loomba  
(ii) Dr. Usha Srivastava  
(iii) Mrs. Anuradha Gupta  
(iv) Mrs. Vimla Farooqui, National Federation of Indian Women.
7. (i) Dr. Pyush Aggrawal  
(ii) Dr. P.S. Bhandari  
(iii) Dr. K.K. Lomba  
(iv) Dr. S.P.S. Virk, Association of Genetics and Ultrasound Clinics of India.
8. Shri P.M. Bakshi, Director, Indian Law Institute.
9. (i) Mrs. Usha Ahuja  
(ii) Mrs. Madhu Kalia, Nari Raksha Samiti.
10. (i) Mrs. Puloma Shah,  
(ii) Ms. Rani Jethmalani, Mahila Dakshata Samiti.
11. Ms. Sadhona Ganguli, Young Women's Christian Association.
12. (i) Mrs. Brinda Karat  
(ii) Dr. Laxmi Sehgal  
(iii) Mrs. Jagmati Sangwan, All India Democratic Women's Association.
13. (i) Ms. Swalija  
(ii) Ms. Chayanika, Forum Against Oppression of Women, Kunda Kadam, 120, Saphalaya, Curry Road, Bombay-400013.
14. (i) Shri Ravindra R.P.  
(ii) Ms. Jayashree, Forum Against Sex-determination and Sex Pre-Selection, C/o Women's Centre, B-104, Sunrise Apts. Above Canara Bank, Vakola, Santacruz(E), Bombay-55.
15. (i) Smt. A.B. Wadia  
(ii) AVM (Retd.) Lele  
(iii) Shri P.S. Sabhale, Family Planning Association of India, Bajaj Bhawan, Nariman Point, Mahim (W), Bombay-400025,
16. Shri Nilesh P. Ron, 53, Shantiniketan, Anushakti Nagar, Bombay-400094.
17. Dr. Hema Purandare, Birth Defects Centre, Bandra, Bombay.
18. Dr. Sharad Gogali, Surlata Hospital, Mahim, Bombay.
19. Dr. S.A. Lakhandam, Dy. Executive Health Officer, Bombay Municipal Corporation.
20. (i) Dr. Lata Mehta  
(ii) Dr. P.G. Natrajan  
(iii) Dr. S.V. Apti, State Appropriate Authority, Government of Maharashtra, Bombay.
21. Dr. Mridula Kothari, Shradhanand Mahilashram, The Hindu Women's Welfare Society, Shradhanand Road, King's Circle, Matunga, Bombay-400019.
22. Dr. Indumati Parikh
23. Dr. Sharadini Dahanukar, State Vigilance Committee.



24. (i) Mrs. Jayashree Parchure  
(ii) Mrs. Veena Pradhan.
25. Mrs. Neelima Aher, Social Worker, Post Deola, Talkalwan, Distt. Nasik.
26. Dr. B.R. Agrawal, Viswas Apartments, Datwadi, Pune-30.
27. Shri S.N. Nandgare, B/901, Usha Nagar, Bhandup (West), Bombay-78.
28. (i) Shri Anil Pilgawhan  
(ii) Shri Ravi Duggal, Medico Friends Circle, 318, Prabhu Darshan, Amboli, Andheri (W), Bombay-58.
29. Shri Sunil Nandraj, Foundation for Research in Community Health, 84, A.R.G. Thandani, Road, Worli, Bombay-18.
30. Ms. Purwa Kushwaha, Executive Secretary, Rajast. Voluntary Health Association, A-5, Maha Vir Udyan Path, Bajaj Nagar, Jaipur, PIN-302015.
31. (i) Dr. S.C. Kabra,  
(ii) Ms. Alice Garg, Bal & Rashmi Society, A-48, Shanti Path, Tilak Nagar, Jaipur-302004.
32. Ms. Renuka Pamecha,  
(i) Women's Rehabilitation Group, B-118, Mangal Marg, Jaipur-302004.  
(ii) Rajasthan University Women's Association, Jaipur.
33. Dr. Gordhan Das Thakur, 167, Ram Bharan, Bani Park, Gindi Colony, Jaipur (Rajasthan).
34. Dr. Prakashwati Bhatnagar, Red Cross Society, Jaipur.
35. Dr. Mrs. Pushpa Porwal, Dr. Porwal's Nursing Home, Begwar Road, Ajmer-305001.
36. Dr. Badri N. Saxena, DDG(Sr.) ICMR, New Delhi.
37. Dr. (Mrs.) Kamal Buckshee, Prof. & Head, Obstetrics and Gynaecology Deptt., AIIMS, New Delhi.
38. Dr. (Mrs.) B. Chadha, Deptt. of Obstetrics and Gynaecology, Kasturba Hospital, New Delhi.
39. Prof. B.J. Wadia, Prof. Chairman & Head of the Deptt. of Obstetrics & Gynaecology, Grant Medical - College and Sir J.J. Group of Hospitals, Bombay.
40. Dr. (Mrs.) A.M. Lele, Incharge, Genetics Division, Deptt. of Anatomy, GMC and JJ Group of Hospitals, Bombay.



# MINUTES OF THE FIRST SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat from 1500 hrs. to 1715 hrs. on 22 October, 1991.

## PRESENT

Smt. D.K. Tharadevi Siddartha — *Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Malini Bhattacharya
3. Smt. Saroj Dubey
4. Smt. Girija Devi
5. Dr. Viswanatham Kanithi
6. Smt. Geeta Mukherjee
7. Dr. Kartikeswar Patra
8. Dr. Vasant Niwenti Pawar
9. Dr. (Smt.) K.S. Soundaram
10. Kumari Vimla Verma

### Rajya Sabha

11. Smt. Sarla Maheshwari
12. Shri Bhashar Annaji Masodkar
13. Shri Sarda Mohanty
14. Shri V. Narayanasamy
15. Smt. Satya Bahin
16. Smt. Sushma Swaraj

## SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*

Shri T.D. Dhingra — *Under Secretary*

## REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shri B.P. Jayakar, *Joint Secretary & Legislative Counsel*
2. Shri T.K. Vishwanathan, *Dy. Legislative Counsel*

## REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

1. Shri S.B. Mishra — *Jt. Secretary*
2. Shri S.S. Kapur — *Director (Policy)*

2. At the outset, the Chairperson welcomed the members of the Joint Committee. Thereafter she drew attention to the important provisions of the Bill and referred to the importance and urgency of the task before the Committee.

3. The Committee decided to issue a press communique (*Appendix*) inviting memoranda containing suggestions/comments on the Bill by 22 November, 1991 from the State Governments, Union Territory Administrations, Bar Councils, medical Associations and other individuals interested in the subject matter of the Bill for their consideration. They also desired that the contents of the press communique be given wide publicity through the Press/Television/A.I.R., etc. The Ministry should also consider the measures to give wide publicity to the contents of the Bill to create public awareness.

4. The Committee also decided that a letter might be addressed to all the State Governments, Union Territory Administrations, Women Organisations, other social organisations, educational institutes, persons in medical and legal profession and other individual experts who have worked in this field, inviting their comments/suggestions on the Bill.

The Committee observed in this connection that the list of organisations/individuals already furnished by the Ministry of Health, was not comprehensive. The list should therefore be supplemented by the Ministry to include other organisations/individuals as mentioned above and they might also be addressed in the matter.



The Committee also suggested that a specific questionnaire might be framed by the Ministry of Health and Family Welfare, which could be sent to these organisations/experts for eliciting their views. The Committee agreed to give a period of four weeks to the organisations/bodies/individuals to submit their memoranda to the Committee.

5. The Chairperson requested the Members to give their suggestions in regard to the specific bodies/organisations from whom Memoranda might be invited.

6. The Committee decided that the question as to which organisations/individuals might be asked to give oral evidence before the Committee might be considered after the memoranda referred to above have been received by the Committee. The Committee can also decide at that stage the question of having on-the-spot study visits to some of the States like Maharashtra, Haryana, Tamil Nadu etc.

The Committee desired that the Ministry of Health and Family Welfare (Deptt. of Family Welfare) might be requested to analyse the points that might be made in the memoranda, replies to the questionnaire and during the course of evidence and to give their comments thereon clause-wise for their consideration.

The Committee desired that the copies of the (i) Report of the Central Committee on Sex Determination; and (ii) Maharashtra Regulation of Use of Pre-Natal Diagnostic Techniques Act, 1988 and rules made thereunder might be circulated to them. If possible, a note about the position in regard to similar legislation in other countries should also be furnished by the Ministry.

*The Committee then adjourned.*



## APPENDIX

(See para 3 of the Minutes)

### PRESS RELEASE

#### JOINT COMMITTEE ON THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Joint Committee of both Houses of Parliament on the Pre-Natal Diagnostic Techniques (Regulations and Prevention of Misuse) Bill, 1991 under the Chairmanship of Smt. D.K. Tharadevi Siddhartha invites Memoranda from the State Governments, Union Territory Administrations, Bar Councils, medical associations and other individuals. Those desirous of submitting memoranda on the Bill for the consideration of the Committee should do so latest by 22 November, 1991. The Memoranda may be sent to the Secretary-General, Lok Sabha, Parliament House Annexe, New Delhi.

The Pre-Natal Diagnostic Techniques (Regulation and prevention of Misuse) Bill, 1991 as introduced in Lok Sabha was published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 12 September, 1991.

The Bill seeks to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide; and for matter connected therewith or incidental thereto.

The memoranda, which might be submitted to the Committee would form part of records of the Committee and should be treated as strictly confidential and not circulated to anyone, as such an act would constitute a breach of privilege of the Committee.

Those desirous of giving oral evidence also before the Committee should indicate this while sending memoranda to the Lok Sabha Secretariat for consideration of the Committee.



MINUTES OF THE SECOND SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC  
TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat from 1500 hrs. to 1700 hrs. on 20 December, 1991.

PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

MEMBERS

*Lok Sabha*

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Dr. Vishwanathan Kanithi
6. Smt. Sumitra Mahajan
7. Smt. Geeta Mukherjee
8. Kumari Vimla Verma

*Rajya Sabha*

9. Smt. Sarla Maheshwari
10. Shri Sarda Mohanty

SECRETARIAT

Shri R.K. Chatterjee — *Deputy Secretary*

Shri T.D. Dhingra — *Under Secretary*

REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE

Shri S.S. Kapur — *Director (Planning)*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B.P. Jayakar — *Joint Secretary & Legislative Counsel.*

2. The Chairperson apprised the Committee about the progress of work of the Committee. The Chairperson informed that more than 30 memoranda etc., received from various organisations/experts had already been circulated to the members of the Committee. Besides, a large number of memoranda/individual letters were being received daily by the Lok Sabha Secretariat.

The Chairperson also informed the Committee that the Ministry of Health and Family Welfare had given publicity to the provisions of the Bill through leading newspapers inviting memoranda from the general public, by 25 December, 1991.

3. At the suggestion of some members, the Committee decided to extend the date for receipt of memoranda till the end of December, 1991.

4. The Committee also decided that if any member wanted to suggest names of some specific organisations etc., from whom memorandum might be invited by the Committee, they could send their addresses etc., to the Secretariat who would address them suitably in the matter.

5. The Committee decided to take oral evidence of some of the organisations etc., who had already submitted their memoranda to the Committee, at their next round of sittings. The Committee directed that organisations etc., based in Delhi and who have shown their willingness to tender evidence might be invited first to give evidence. They authorised the Chairperson to decide the organisations/individuals who might be asked to appear before the Committee.

6. At the suggestion of some members, the Committee decided that to give wider publicity to the provisions of the Bill and to create public awareness amongst the general public, the Ministry of Health and Family Welfare might consider holding of seminars/symposia etc., besides giving some radio talks.



7. The Committee then considered a letter dated 27th November, 1991 received from Ms. Rani Jethmalani, Advocate, Supreme Court of India and the Legal Consultant of Mahila Dakshita Samiti. She sought permission for submitting detailed comments/suggestions after the Samiti had tendered evidence on the Bill. The Committee observed that the question of taking evidence of a particular organisation etc., is to be considered after a written memorandum has been received from the concerned organisation for more fruitful discussion with the witness. The Committee directed the Secretariat to inform Ms. Rani Jethmalani accordingly.

*The Committee then adjourned.*



# MINUTES OF THE THIRD SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat from 1500 hrs. to 1800 hrs. on Monday, 20 January, 1992 in Committee Room 'D' Parliament House Annexe, New Delhi.

## PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Dr. Mahavirsinh Harisinhji Gohil
6. Dr. (Smt.) Padma
7. Dr. Kartikeswar Patra
8. Kumari Vimla Verma

### Rajya Sabha

9. Smt. Sarla Maheshwari
10. Shri Sarda Mohanty
11. Smt. Satya Bahin
12. Smt. Sushma Swaraj

## SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*  
 Shri R.K. Chatterjee — *Deputy Secretary*  
 Shri T.D. Dhingra — *Under Secretary*

## REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.B. Mishra — *Joint Secretary*  
 Shri S.S. Kapur — *Director*

## REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri T. Vishwanathan — *Dy. Legislative Counsel*

2. The Chairperson welcomed the representatives of various organisations called for evidence and drew their attention to the provisions contained in Direction 58 of the Directions by the Hon'ble Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter Committee took oral evidence of the following organisations seriatim.

<i>Name of the Organisation</i>	<i>Name(s) of the Representatives</i>
1. Saheli Women's Resource Centre.	(i) Ms. Lopa Banerjee (ii) Ms. Nalini Banot
2. Medico Friends Circle	(iii) Dr. C. Sathyamala
3. Voluntary Health Association of India	(iv) Dr. Mira Shiva
4. People's Union for Democratic Rights	(v) Ms. Rama Vasudevan
5. Action India	(vi) Ms. Devi Kripa (15.25 to 16.40 hrs.)
2. Family Planning Foundation	Dr. (Mrs.) Nalini Abraham (17.10 to 17.40 hrs.)



*Name of the Organisation**Name(s) of the Representatives*

3. National Federation of Indian Women

- (i) Mrs. Pramila Loomba
- (ii) Dr. Usha Srivastava
- (iii) Mrs. Anuradha Gupta
- (iv) Mrs. Vimla Farooqui  
(17.40 to 17.55 hrs.)

3. A verbatim record of the evidence was kept.

The Committee then adjourned to meet again on 21 January, 1992 at 1500 hours.



# MINUTES OF THE FOURTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat on Tuesday, 21 January, 1992 from 1500 to 1800 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

## PRESENT

Smt. D.K. Tharadevi Siddhartha —Chairperson

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Smt. Sumitra Mahajan
6. Dr. (Smt.) Padma

### Rajya Sabha

7. Smt. Sarla Maheshwari
8. Shri Sarda Mohanty
9. Smt. Sushma Swaraj

## SECRETARIAT

Shri S.C. Gupta —Jt. Secretary  
Shri R.K. Chatterjee —Dy. Secretary  
Shri T.D. Dhingra —Under Secretary

### REPRESENTATIVES OF THE MINISTRY OF HEALTH & FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.B. Mishra —Joint Secretary  
Shri S.S. Kapur —Director

### REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri T. Vishwanathan —Dy. Legislative Counsel

2. Before resuming the oral evidence of the representatives of the organisations etc., the Chairperson drew their attention to the provisions contained in Direction 58 of the Directions by the Hon'ble Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter the Committee took oral evidence of the following organisations:—

Sr. No.	Name of the Organisations	Name(s) of the Representatives
1.	Association of Genetics and Ultrasound Clinics of India	(i) Dr. Pyush Aggarwal (ii) Dr. P.S. Bhandari (iii) Dr. K.K. Loomba (iv) Dr. S.P.S. Virk (1517 to 1605 hours)
2.	Indian Law Institute	Sh. P.M. Bakshi Director, ILI (1605 to 1700 hrs.)
2.	Indian Law Institute	(i) Mrs. Usha Ahuja (ii) Mrs. Madhu Kalia (1720 to 1745 hrs.)
3.	Nari Raksha Samiti	

3. A verbatim record of the evidence was kept.



4. The Committee then considered their future programme of work. The Committee observed that a large number of memoranda etc., on the Bill had been received from various organisations etc., throughout the country. The Committee felt that it was necessary for them to hold their sittings outside Delhi also at a few places for recording evidence etc. The Committee deliberated on the question whether to hold only informal discussion with the various organisations or to have formal sittings for taking evidence at different places in the country. After some discussion the Committee decided to hold formal discussion for taking oral evidence as well.

5. The Committee decided that they might in the first instance, hold\* their sittings at Bombay on 10 and 11th February, 1992 to record evidence of some leading organisations etc., besides holding informal discussions with some other organisations and experts and visit some of the hospitals, etc., based at Bombay. The Committee authorised the Chairperson to decide the organisations/associations to be invited for oral evidence at Bombay. The Committee also authorised the Chairperson to finalise the other programme of informal discussion/visit of hospitals etc., at Bombay.

6. The Chairperson asked the concerned officers of the Ministry of Health and Family Welfare to coordinate immediately with the concerned agencies at Bombay and finalise the details of programme for the Committee. The Chairperson also directed that the Ministry might give suitable publicity to the visit of the Committee to Bombay for recording oral evidence/informal discussions with the interested parties.

*The Committee then adjourned.*

\* Subsequently changed by the Chairperson to 19 & 20 February, 1992.



# MINUTES OF THE FIFTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat from 1100 hrs. to 1315 hrs. on Thursday, 20 February, 1992 in Committee Room 'D' Parliament House Annexe, New Delhi.

## PRESENT

Shri Sarda Mohanty —*In the Chair*

## MEMBERS

### Lok Sabha

2. Smt. Saroj Dubey
3. Smt. Girija Devi
4. Dr. (Smt.) K.S. Soundaram

### Rajya Sabha

5. Smt. Sarla Maheshwari
6. Shri V. Narayanasamy
7. Smt. Satya Bahin
8. Smt. Sushma Swaraj

## SECRETARIAT

Shri R.K. Chatterjee —*Deputy Secretary*

Shri T.D. Dhingra —*Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF HEALTH & FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.S. Kapur —*Director*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri M.S. Sharma —*Addl. Legislative Counsel*

In the absence of the Chairperson, the Committee chose Shri Sarda Mohanty to act as the Chairman for the sitting of the Committee in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Chairman then welcomed the representatives of various organisations called for evidence and drew their attention to the provisions contained in Direction 58 of the Directions by the Hon'ble Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter the Committee took oral evidence of the following organisations seriatim.

<i>Sr. No.</i>	<i>Name of the Organisations</i>	<i>Name(s) of the Representative(s)</i>
1.	Mahila Dakshata Samiti	(i) Mrs. Puloma Shah (ii) Ms. Rani Jethmalani (11.20 hrs. to 12.10 hrs.)
2.	Young Women's Christian Association	Ms. Sadhona Ganguli (12.10 hrs. to 12.30 hrs.)
3.	All India Democratic Women's Association	(i) Mrs. Brinda Karat (ii) Dr. Laxmi Sehgal Mrs. Jagmati Sangwan (12.30 hrs. to 13.15 hrs.)

4. A verbatim record of the evidence was kept.

5. Thereafter, the Acting Chairman informed the Committee about a message received from the Chairperson of the Committee that the Committee might consider the question of seeking extension of time for presentation of the Report to the House which was due to expire on the last day of the first week of the Budget Session, 1992. The Committee deliberated on the matter and felt that since the Committee were yet to complete



the oral evidence of interested parties at a few selected places outside Delhi and also to take up the clause by clause consideration of the Bill, besides completing other stages of the Bill, it would not be possible for the Committee to present their Report to the House by the stipulated date, i.e., the last day of the first week of the Budget Session.

6. The Committee, therefore, decided to seek extension of time for presentation of their Report to the House upto the end of the Monsoon Session, 1992.

*The Committee then adjourned.*



CONFIDENTIAL

MINUTES OF THE SIXTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991.

The Committee sat from 1500 hrs. to 1600 hrs. on Friday, the 24th April, 1992 in Committee Room No. 62, Parliament House, New Delhi.

PRESENT

Smt. D.K. Tharadevi Siddhartha —Chairperson

MEMBERS

*Lok Sabha*

2. Smt. Malini Bhattacharya
3. Smt. Saroj Dubey
4. Smt. Girija Devi
5. Dr. Viswanatham Kanithi
6. Smt. Sumitra Mahajan
7. Smt. Geeta Mukherjee
8. Dr. (Smt.) K.S. Soundaram

*Rajya Sabha*

9. Smt. Chandrika Abhinandan Jain
10. Smt. Sarla Maheshwari
11. Shri Bhaskar Annaji Masodkar
12. Shri Sarda Mohanty
13. Shri V. Narayanasamy
14. Smt. Satya Bahin
15. Smt. Sushma Swaraj

SECRETARIAT

Shri S.C. Gupta	—Joint Secretary
Shri R.K. Chatterjee	—Deputy Secretary
Shri T.D. Dhingra	—Under Secretary

REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.S. Kapur	—Director
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REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri M.S. Sharma	—Addl. Legislative Counsel
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At the outset the Chairperson apprised the Committee of the progress of work done by the Committee so far. The Chairperson also informed the members about the observations of the Hon'ble Speaker to complete the work of the Committee expeditiously.

Thereafter the Committee deliberated on their future programme of work and decided that the Committee might visit Bombay and Jaipur from 19 to 21 May, 1992\* to record evidence of some leading organisations. State Governments of Maharashtra and Rajasthan etc., besides holding informal discussions with some other organisations and experts and visit some of the hospitals etc.

The Committee also decided to visit Chandigarh, if necessary, later, sometimes in the month of June for similar discussions with the non-official organisations experts etc. besides officials of the Governments of Haryana and Punjab.

*The Committee then adjourned.*

\* Subsequently, the Chairperson advanced the visit of the Committee by one day i.e. from 18 to 20 May, 1992.



# MINUTES OF THE SEVENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991.

The Committee sat from 0930 hours to 1230 hours and 1515 hours to 1700 hours on Monday, the 18 May, 1992 at Vidhan Bhawan, Bombay.

## PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
3. Smt. Saroj Dubey
4. Smt. Girija Devi
5. Smt. Sumitra Mahajan
6. Smt. Geeta Mukherjee
7. Dr. (Smt.) K.S. Soundaram

### Rajya Sabha

8. Smt. Chandrika Abhinandan Jain
9. Smt. Sarla Maheshwari
10. Shri Bhaskar Annaji Masodkar
11. Shri Sarda Mohanty
12. Smt. Satya Bahin

## SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*

REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.B. Mishra — *Joint Secretary*

Shri Ramesh Chandra — *Under Secretary*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri N.K. Agrawal — *Joint Secretary & Legislative Counsel*

## NAME OF THE NON-OFFICIAL ORGANISATIONS

1. Forum Against Oppression of Women;
2. Forum Against Sex Determination and Sex Pre-Selection; and
3. Family Planning Association of India.

2. At the outset, Smt. Pushpatai Hiray, Hon'ble Minister for Public Health, Family Welfare Maharashtra State welcomed the Chairperson and other members of the Committee at an inaugural function at Vidhan Bhawan Meeting Hall. Thereafter, the Chairperson welcomed the representatives of various organisations called for evidence and drew their attention to the provisions contained in Direction 58 of the Directions by the Hon'ble Speaker under the Rules of Procedure and conduct of Business in Lok Sabha. The Committee then took oral evidence of the non-official organisations.

3. The Committee again met at 1515 hours in the afternoon, to have informal discussion with other interested parties whose discussions were also recorded. The Committee first held informal discussions with Smt. Marinal Gore, Ex-M.P. and thereafter with 18 other persons representing different organisations/hospitals/individuals/experts, etc.

4. A verbatim record of the discussions was kept.

*The Committee then adjourned.*



# MINUTES OF THE EIGHTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991.

The Committee met at Vidhan Bhawan, Bombay on 19th May, 1992.

## PRESENT

Smt. D.K. Tharadevi Siddhartha —*Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
4. Smt. Girija Devi
3. Smt. Saroj Dubey
5. Smt. Sumitra Mahajan
6. Smt. Geeta Mukherjee
7. Dr. (Smt.) K.S. Soundaram

### Rajya Sabha

8. Smt. Chandrika Abhinandan Jain
9. Smt. Sarla Maheshwari
10. Shri Bhaskar Annaji Masodkar
11. Shri Sarda Mohanty
12. Smt. Satya Bahin
13. Shri V. Narayanasamy

## SECRETARIAT

Shri S.C. Gupta —*Joint Secretary*

### REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.B. Mishra —*Joint Secretary*

Shri Ramesh Chandra —*Under Secretary*

### REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri N.K. Agrawal —*Joint Secretary & Legislative Counsel*

### REPRESENTATIVES OF STATE GOVERNMENT OF MAHARASHTRA

1. Dr. S.R. Salunke —*Add. Director Health Services*
2. Prof. Bomsa Wadia —*Head of Deptt. Ob. & Gyn., J.J. Hospital*
3. Dr. P.V. Sathe —*Director of Medical Education and Research Maharashtra*
4. Dr. Joyu Shankaran —*Secretary Medical Education and Drugs*
5. Shri H.A.D. Sawian —*Principal Secretary, Public Health Deptt.*
6. Shri D.N. Chaudhari —*Principal Secretary, Law and Judiciary, Deptt. Maharashtra Government.*

The Committee visited from 0900 to 1200 hours two Hospitals in Bombay viz. J.J. Hospital and Bombay Hospital and held informal discussions with the Senior Doctors.

The Committee then held discussions with the representatives of the State Government from 1230 to 1420 hours. A verbatim record of the discussions was kept.

After the discussions with the officials of the State Government, the Committee considered their future programme of work and decided to hold their next sittings sometimes in the 3rd week of June, 1992.

*The Committee then adjourned.*



# MINUTES OF THE NINTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991.

The Committee sat on Wednesday, 20 May, 1992 from 1015 hours to 1205 hours in Vidhan Bhavan, Jaipur.

## PRESENT

Smt. D.K. Tharadevi Siddhartha —*Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
3. Smt. Saroj Dubey
4. Smt. Geeta Mukherjee
5. Dr. (Smt.) K.S. Soundaram

### Rajya Sabha

6. Smt. Sarla Maheshwari
7. Shri Sarda Mohanty
8. Smt. Satya Bahin

## SECRETARIAT

Shri S.C. Gupta —*Joint Secretary*

## REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.B. Mishra —*Joint Secretary*  
Shri Ramesh Chandra—*Under Secretary*

## REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri N.K. Agrawal —*Joint Secretary & Legislative Counsel*

## NAMES OF THE NON-OFFICIAL ORGANISATIONS

1. Rajasthan University Women's Association
2. Bal Rashmi Society
3. Women's Rehabilitation Group
4. Rajasthan Voluntary Health Association

## REPRESENTATIVE OF STATE GOVERNMENT OF RAJASTHAN

- |                       |   |
|-----------------------|---|
| 1. Dr. D.C. Bafna     | — <i>Addl. DMHS(FW)</i>                           |
| 2. Dr. B.L. Gupta     | — <i>DMHS</i>                                     |
| 3. Shri O.P. Meena    | — <i>Special Secretary</i>                        |
| 4. Ms. Anjana Bhushan | — <i>Director, Women &amp; Child Development</i>  |
| 5. Mrs. Kushal Singh  | — <i>Secretary, Women &amp; Child Development</i> |

2. Before resuming the oral evidence of the representatives of the organisations etc., the Chairperson drew their attention to the provisions contained in Direction 58 of the Directions by the Hon'ble Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter, the Committee took oral evidence of the non-official organisations/individuals.

3. After the representatives of the non-official organisations withdrew, the Committee held discussions with the officials of the State Government of Rajasthan. As the Government of Rajasthan had not given their comments on the draft legislation they assured the Committee that they would submit their comments on the Bill within 15 days.

4. A verbatim record of the discussions was kept.

*The Committee then adjourned.*



MINUTES OF THE TENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991, HELD ON MONDAY, 22 JUNE, 1991 IN COMMITTEE ROOM 'D', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1500 hours to 1830 hours.

PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

MEMBERS

*Lok Sabha*

2. Smt. Saroj Dubey
3. Smt. Girija Devi
4. Dr. Mahavirsinh Harisinhji Gohil
5. Dr. Vishwanatham Kanithi
6. Smt. Sumitra Mahajan
7. Smt. Geeta Mukherjee
8. Dr. Kartikeswar Patra
9. Dr. Vasant Niwenti Pawar
10. Dr. (Smt.) K.S. Soundaram

*Rajya Sabha*

11. Smt. Sarla Maheshwari
12. Sh. Sarda Mohanty

SECRETARIAT

- Shri S.C. Gupta — *Joint Secretary*  
 Shri R.K. Chatterjee — *Deputy Secretary*  
 Shri T.D. Dhingra — *Under Secretary*

REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.S. Kapur — *Director*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri T.K. Viswanathan — *Addl. Legislative Counsel*

2. At the outset the Chairperson welcomed the members and apprised the Committee of the progress of work of the Committee. Thereafter, the Committee held a general discussion on the various clauses of the Bill in the light of the various suggestions/views received from the different non-official organisations/individuals etc. which had been analysed and arranged clause-wise by the Ministry of Health and Family Welfare. A verbatim record of the discussion was kept.

3. The discussion was not concluded. The Committee decided to resume their discussion at the next sitting to be held on Tuesday, 23, 1992 at 1100 hours.

*The Committee then adjourned.*



CONFIDENTIAL

MINUTES OF THE ELEVENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991, HELD ON TUESDAY, 23 JUNE, 1992 IN COMMITTEE ROOM 'D', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee sat from 1100 hrs. to 1330 hours and again from 1500 hours to 1915 hours.

PRESENT

Smt. D.K. Tharadevi Siddhartha —Chairperson

MEMBERS

Lok Sabha

2. Smt. Malini Bhattacharya
3. Smt. Saroj Dubey
4. Smt. Girija Devi
5. Dr. Mahavirsinh Harisinhji Gohil
6. Dr. Viswanatham Kanithi
7. Smt. Sumitra Mahajan
8. Smt. Geeta Mukherjee
9. Dr. Vasant Niwenti Pawar
10. Dr. (Smt.) K.S. Soundaram

Rajya Sabha

11. Sh. Sarda Mohanty
12. Sh. V. Narayanasamy

SECRETARIAT

Shri S.C. Gupta — Joint Secretary

Shri T.D. Dhingra — Under Secretary

REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.S. Kapur — Director

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

Shri T.K. Viswanathan —Additional Legislative Counsel

2. The Committee resumed their general discussion on the various clauses of the Bill in the light of the suggestions/views received from various non-official organisations/individuals etc. The Committee completed their discussion on all the clauses of the Bill. A verbatim record of the discussion was kept.

3. The Committee felt that for better appreciation of the various provisions of the Bill it is necessary to seek clarifications from medical experts on certain aspects. Accordingly, the Committee authorised the Chairperson to select such experts and call them for evidence before the Committee at their next sitting to be held on 7 July, 1992.

4. The Committee also decided that in order to complete the work and present the Report by the stipulated time i.e. by the end of Monsoon Session of Lok Sabha, Hon'ble members could give their notices of amendments latest by 10 July, 1992 and the Committee would take up clause-by-clause consideration of the Bill on 17 and 18 July, 1992.

The Committee then adjourned.



# MINUTES OF THE TWELFTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat on Tuesday, 7 July, 1992 from 1500 hours to 1900 hours and in Committee Room 'B', Parliament House Annexe, New Delhi.

## PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Smt. Geeta Mukherjee

### Rajya Sabha

6. Smt. Chandrika Abhinandan Jain
7. Shri Sarada Mohanty
8. Smt. Sushma Swaraj

## SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*

Shri T.D. Dhingra — *Under Secretary*

## REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri S.B. Mishra — *Joint Secretary*

Shri S.S. Kapur — *Director*

2. The Chairperson welcomed the non-official experts called for evidence and drew their attention to the provisions contained in Direction 58 of the Directions by the Hon'ble Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha. Thereafter, the Committee took oral evidence of the following non-official experts all together:—

1. Dr. Badri N. Saxena, DDG (Sr.),  
Indian Council of Medical Research, New Delhi.
2. Dr. (Mrs.) Kamal Buckshee, Prof. and Head Obstetrics and Gynaecology Deptt., All India Institute of Medical Sciences, New Delhi.
3. Dr. (Mrs.) B. Chadha, Deptt. of Obstetrics and Gynaecology, Kasturba Hospital, New Delhi.
4. Prof. Dr. B.J. Wadia, Prof. Chairman & Head of the Deptt. of Obstetrics & Gynaecology, Grant Medical College and Sir J.J. Group of Hospitals, Bombay.
5. Dr. (Mrs.) A.M. Lele, Incharge, Genetics Division, Deptt. of Anatomy, GMC and JJ Group of Hospitals, Bombay.

3. A verbatim record of the evidence was kept.

4. The Committee felt that on certain provisions of the Bill, a deeper study and more technical information was required by them. The Committee desired the witnesses to consult some of their other colleagues in different fields of specialisation and give their considered views later. It was decided that the Ministry of Health and Family Welfare would indicate the list of experts, besides the witnesses, who could be addressed by the Lok Sabha Secretariat to elicit the required information in about three weeks time.

5. The Committee felt that they would not be in a position to take up the Clause-by-clause consideration of the Bill on 17 and 18 July, 1992 as decided earlier. The Committee, therefore, decided that the sittings of the Committee fixed for 17 and 18 July, 1992 might be cancelled.

6. While considering their future programme of work the Committee felt that it would not be possible for



them to complete the work and present their Report by the stipulated date i.e. by the end of the Monsoon Session of Lok Sabha. The Committee, therefore, decided to seek further extension of time for the presentation of the Report by the end of the next Session (Winter Session). The Committee decided to hold their next sitting towards the end of the ensuing Monsoon Session.

*The Committee then adjourned.*



MINUTES OF THE THIRTEENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL  
DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat from 1500 hours to 1600 hours on Tuesday, 18 August, 1992 in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

MEMBERS

*Lok Sabha*

2. Smt. Dil Kumari Bhandari
3. Smt. Girija Devi
4. Dr. Viswanathan Kanithi
5. Dr. Kartikeshwar Patra
6. Km. Vimla Verma

*Rajya Sabha*

7. Shri Sarda Mohanty
8. Shri. V. Narayanasamy

SECRETARIAT

Shri R.K. Chatterjee — *Deputy Secretary*

Shri T.D. Dhingra — *Under Secretary*

REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

Shri Ramesh Chandra — *Under Secretary*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPARTMENT OF LEGAL AFFAIRS)

Shri N.K. Agrawal — *Joint Secretary and Legislative Counsel*

2. At the outset, the Chairperson welcomed the members of the Committee to the sitting and reviewed the progress of work done by the Committee so far.

3. Thereafter, the Committee deliberated on their future programme of work and decided not to call for any more memoranda or to take further evidence. The Committee also decided that amendments to the draft Bill might be called for from the members of the Committee on the basis of the information collected/evidence taken so far for clause-by-clause consideration of the Bill. It was decided that (i) members could give their amendments latest by 15 September, 1992; and (ii) sittings of the Joint Committee to consider those amendments would be held on 28 & 29 September, 1992.

*The Committee then adjourned.*



# MINUTES OF THE FOURTEENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat on Monday, 2 November, 1992 from 1110 hours to 1330 hours and again from 1510 hours to 1720 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

## PRESENT

Smt. D.K. Tharadevi Siddhartha—*Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Smt. Girija Devi
6. Dr. (Smt.) Padma
7. Dr. Kartikeshwar Patra
8. Dr. Vasant Niwenti Pawar
9. Dr. (Smt.) K.S. Soundaram

### Rajya Sabha

10. Smt. Sarla Maheswari
11. Shri Sarda Mchanty
12. Smt. Satya Bahin
13. Smt. Sushma Swaraj

## SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*  
 Shri R.K. Chatterjee — *Deputy Secretary*  
 Shri T.D. Dhingra — *Under Secretary*

## REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

- (i) Shri A.K. Mukherjee — *Acting D.G.H.S.*
- (ii) Shri S.S. Kapur — *Director*
- (iii) Dr. Mrs. B. Chadha — *Head of Department of Obstetrics and Gynaecology, Prof. Director, Centre of Excellence, Kasturba Hospital, Delhi.*
- (iv) Dr. B.N. Saxena — *Senior Deputy Director General, Indian Council of Medical Research, Ansari Nagar, New Delhi—110029.*
- (v) Dr. (Mrs.) Kamal Buckshee — *Prof. & Head of Department of Obstetrics & Gynaecology, All India Institute of Medical Sciences, New Delhi.*
- (vi) Dr. I.C. Verma — *Professor of Paediatrics, All India Institute of Medical Sciences, New Delhi.*

## REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPARTMENT OF LEGAL AFFAIRS)

Shri N.K. Agrawal — *Joint Secretary and Legislative Counsel*  
 Shri T.K. Vishwanathan — *Additional Legislative Counsel*

2. The Chairperson welcomed the Members of the Committee and others. The Chairperson informed the Committee about the circulation of 4 lists containing amendments given notice of by the Members to the various provisions of the Bill as also the consolidated list incorporating all these 4 lists. She also referred to the list of amendments given by the Chairperson herself and circulated just at the beginning of the sitting.

3. The Committee then took up clause by clause consideration of the Bill with reference to the amendments given notice of by members with a view to formulate their views and arrive at conclusions. The members present at the sitting moved their amendments.

4. The Committee considered the relevant amendments to clause 2 (c) (d) (e). In this context, the Committee felt that already there was pressure on Government institutions for the facilities available for pre-natal diagnosis.



However, the required infrastructure was also available with the private institutions. Therefore, the Committee expressed the view that the facilities for the pre-natal diagnosis should be permitted both in the Government as well as the private sector, provided the latter conformed to the requirements of the Act.

5. While considering the proposed amendments to clause 2 (c) (d) (e), the Committee felt that although it was desirable to have the (i) Genetic Counselling Centre; (ii) Genetic Clinic; and (iii) Genetic Laboratory, under one composite umbrella, it may not be feasible to have them at one place altogether.

Thereafter, the Committee accepted the following amendments:

- (i) *clause 2(c)* Page 2, lines 8—12

*Delete* all words following "to patients".

- (ii) *clause 2(d)* Page 2, lines 13—15

*for* the existing definition of "Genetic Clinic"

*substitute* "Genetic Clinic" means a clinic, institute, hospital, nursing home, or any place by whatever name called which is used for the purpose of conducting pre-natal diagnostic procedures.

- (iii) *Clause 2(e)* Page 2, line 18

*for* "Genetic Counselling Centre"

*Substitute* "Genetic Clinic".

- (iv) *clause 2(f)* Page 2, line 21

The Committee felt that there is no difference between gynaecologist and obstetrician.

Therefore, the Committee accepted the amendment as follows and also decided to add a new sub clause to define a "paediatrician":

*After* the word "gynaecologist"

*add* the word "and obstetrician"

- (v) *Page 2, after line 21,*

*add* the following new sub-clause

'(g) "paediatrician" means a person who possesses a post-graduate qualification in paediatrics;'

- (vi) *Page 2, line 22*

*for* "(g)"

*substitute* "h"

- (vii) *Page 2, line 29*

*for* "(h)"

*substitute* "(i)"

- (viii) *Page 2, line 30,*

*after* "foetoscopy,"

*insert* "ultrasonography"

- (ix) *Page 2, line 34,*

*for* "(i)"

*substitute* "(j)"

- (x) *Page 2, line 35,*

(a) *for* "(j)"

*substitute* "(k)"

(b) *after* "test"

*insert* "such as ultrasonography"

- (xi) *Page 2, line 41,*

*for* "(k)"

*substitute* "(l)"

- (xii) *Page 2, line 43,*

*for* "(l)"

*substitute* "(m)"



(xiii) Page 2, line 47,

for "(m)"

substitute "(n)"

Clause 2, as amended, was adopted.

6. The Committee then held general discussion on clause 3(1)(2) and decided to postpone consideration of the relevant amendments thereto to a subsequent sitting when the Committee take up clause 17 relating to Appropriate Authority.

7. The Committee considered clause 3(3) and accepted the following amendments:

clause 3(3) Page 3, line 12

after "gynaecologist,"

insert "paediatrician,"

8. The Committee postponed consideration of proposed amendments to clause 4(1) to a subsequent sitting when the Committee take up clause 17 relating to Appropriate Authority.

9. The Committee accepted the following amendments to clause 4(3)(iii):

clause 4(3)(iii) Page 3, line 42

(a) after "teratogenic"

insert "agents such as"

(b) after "or"

— delete "hazardous"

10. The Committee took up clause 5 and accepted the following amendments:

clause 5

(i) Page 4, line 10

for "possible"

substitute "known"

(ii) Page 4, lines 12-13

for "has obtained her consent in writing to undergo such procedures, in the prescribed form."

substitute "her written consent has been obtained in the concerned regional language, as prescribed by rules and regulations of this Act, and after giving a copy of the same to the woman; and unless a test is specifically meant for the detection of sex-linked disorders, the sex of the foetus shall not be communicated verbally or symbolically or in writing or in any other form to the woman on whom it is conducted, or her relatives."

Clause 5, as amended, was adopted.

11. The Committee directed the Legislative Counsel to modify the text of the various clauses in the light of the amendments accepted by the Committee.

*The Committee then adjourned to meet again on 3 November, 1992 at 1100 hours.*



MINUTES OF THE FIFTEENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat on Tuesday, 3 November, 1992 from 1120 hours to 1400 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Smt. D.K. Tharadevi Siddhartha—*Chairperson*

MEMBERS

*Lok Sabha*

2. Smt. Dil Kumari Bhandari
3. Smt. Malini Bhattacharya
4. Smt. Saroj Dubey
5. Smt. Girija Devi
6. Dr. (Smt.) Padma
7. Dr. Vasant Niwenti Pawar
8. Dr. (Smt.) K.S. Soundaram

*Rajya Sabha*

9. Shri Sarda Mohanty
10. Shri V. Narayanasamy
11. Smt. Satya Bahin
12. Smt. Sushma Swaraj

SECRETARIAT

Shri R.K. Chatterjee—*Deputy Secretary*

Shri T.D. Dhingra—*Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT OF FAMILY WELFARE)

- (i) Smt. Usha Vohra—*Secretary*
- (ii) Shri S.S. Kapur—*Director*
- (iii) Dr. (Mrs.) B. Chadha—*Head of Department of Obstetrics and Gynaecology*
- (iv) Dr. B.N. Saxena—*Senior Deputy Directors Indian Council of Medical Research, Ansari Nagar, New Delhi*
- (v) Dr. (Mrs.) Kamal Buckshee—*Prof. & Head of Department of Obstetrics and Gynaecology.*

REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

- (i) Shri N.K. Agrawal—*Joint Secretary & Legislative Counsel*
- (ii) Shri T.K. Vishwanathan—*Additional Legislative Counsel*

2. The Committee resumed further clause-wise consideration of the provisions of the Bill, with reference to the amendments proposed.

3. The Committee held general discussion on clause 7 and observed that since the Bill concerned 50% of our population; and the Members of Parliament represented them, the women Members of Parliament should be represented on the Board also, besides the paediatricians; and accepted the following amendments:

*Clause 7*

- (i) Page 4, after line 34

*Add the following sub-clause*

“(d) the Director General of Health Services of the Central Government, *ex officio*”;

- (ii) Page 4, line 35

(a) *for “(d)”*

*Substitute “(e)”*

(b) *for “eight”*

*substitute “ten”*



(iii) Page 4, *after* line 38

(a) *add* "(iii) Paediatricians;"

(b) *for* "(iii)"

*substitute* "(iv)"

(c) *for* "(iv)"

*substitute* "(v)"

(iv) Page 4, *after* line 40

*add* the following new sub-clause

"(e) three women Members of Parliament, two from Lok Sabha and one from Rajya Sabha;"

(v) Page 4, line 41

(a) *for* "(e)"

*Substitute* "(f)"

(b) *for* "two"

*substitute* "four"

(vi) Page 4, line 42-43

*for* "by rotation in alphabetical order to represent the States and the Union Territories;"

*Substitute* "four members to be appointed by the Central Government by rotation to represent the States and the Union territories, two in the ascending alphabetical order and two in the descending alphabetical order:"

#### 4. *Clause 8*

*Page 5, line 8*

*for* "be three years."

*Substitute*

"(a) in case of appointment under clause (g) of sub-section (2) of section 7, one year; and

(b) in case of appointment under (e) or clause (f) of the said sub-section, three years."

#### 5. The Committee then took up clause 14 and accepted the following amendment:

*Page 6, after* line 38

*add* the following new sub-clause

"(f) has in the opinion of the Central Government been associated with the use or promotion of pre-natal diagnostic technique for determination of sex."

Clause 14, as amended, was adopted.

#### 6. The Committee considered clause 16 (iii) and the amendment thereto. The Committee accepted the following amendment:

##### *Clause 16*

*Page 7, line 7*

*after* "of"

*insert* "pre-natal sex determination and"

*The Committee then adjourned.*



# MINUTES OF THE SIXTEENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat on Monday, 19 November, 1992 from 11.10 hours to 13.20 hours and again from 14.30 hours to 18.00 hours in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

## PRESENT

Smt. D.K. Tharadevi Siddhartha—*Chairperson*

## MEMBERS

### Lok Sabha

2. Smt. Malini Bhattacharya
3. Smt. Girija Devi
4. Dr. Viswanatham Kanithi
5. Smt. Geeta Mukherjee
6. Dr. Kartikeshwar Patra
7. Dr. (Smt.) K.S. Soundaram

### Rajya Sabha

8. Smt. Chandrika Abhinandan Jain
9. Shri V. Narayanasamy
10. Smt. Sushma Swaraj

## SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*

Shri R.K. Chatterjee — *Deputy Secretary*

Shri T.D. Dhingra — *Under Secretary*

## REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPTT. OF FAMILY WELFARE)

1. Smt. Usha Vohra — *Secretary*
2. Shri A.K. Mukherjee — *Acting D.G.H.S.*
3. Shri. S.S. Kapur — *Director*
4. Dr. Mrs. B. Chadha — *Head of Department of Obstetrics and Gynaecology, Prof. Director, Centre of Excellence, Kasturba Hospital, Delhi*
5. Dr. B.N. Saxena — *Senior Deputy Director General, Indian Council of Medical Research, Ansari Nagar, New Delhi-110029*
6. Dr. (Mrs.) Kamal Buckshee — *Prof. & Head of Department of Obstetrics & Gynaecology, All India Institute of Medical Sciences, New Delhi.*

## REPRESENTATIVE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPTT. OF LEGAL AFFAIRS)

1. Shri N.K. Agrawal — *Joint Secretary and Legislative Counsel*
2. Shri T.K. Vishwanathan — *Additional Legislative Counsel*

2. At the outset, the Chairperson welcomed the Members of the Committee and observed that at their earlier sittings the Committee had completed clause by clause consideration of the Bill upto clause 16.

3. The Chairperson then enquired from Members whether they had any other suggestion on the clauses already considered by the Committee for which the relevant minutes had also been circulated to them. At the instance of a member the Chairperson agreed that the relevant portion (para 4) in the earlier minutes dated 2 November, 1992, on the views expressed by the Committee that the pre-natal diagnosis should be permitted both in the Government as well as the private sector, provided the latter conformed to the requirements of the Act, "would stand modified by adding the following sentence at the end: "Some Members, however, felt that these facilities should be permitted only in the Government hospitals."

4. The Committee then consider the relevant amendments to clause 17. While considering clause 17(1) and 17(2), the Committee felt that the authority discharging the functions of the Appropriate Authority should be available at all places where it may be required. The places where the Authority would be needed would depend upon the intensity of the problem. Therefore the following amendments were made by the Committee:



- (a) *After* "more"  
*Delete* "officers as"
- (b) *After* "for"  
*insert* "the whole or parts of"

Page 7, line 19

- (a) *After* "more"  
*Delete* "officers as"
- (b) *After* "for"  
*insert* "the whole or parts of the state depending upon the intensity of the problem for"

5. The Committee then discussed clause 17(3), 17(4), 17(5) in the light of the relevant amendments from some Members of the Committee and felt that the Appropriate Authority should be accountable and, therefore, it was necessary to strengthen the Advisory Committee. The Committee decided that in order to make the body functionally effective it was necessary to give representation to a paediatrician and a legal expert also, besides appointing a Chairman of the Committee. The Committee asked the Legislative Counsel of the Ministry of Law to re-draft the relevant provisions of clause 17, as also any other relevant clause(s) to incorporate the intentions of the Committee. Subsequently, the Committee considered the draft provisions prepared by the Legislative Counsel and adopted the following amended sub-clauses of clause 17:

- "(3) The officers appointed as Appropriate Authorities under sub-section (1) or sub-section (2) shall be or above the rank of the Joint Director of Health and Family Welfare or of such other rank of the State Government or of the Union territory, as the Central Government or the State Government, as the case may be may deem fit to appoint.
- (4) The Appropriate Authority shall perform the following functions, namely:—
  - (a) to seek and consider the advice of the Advisory Committee, constituted under sub-section (5), on applications for registration and on complaints for suspension or cancellation of registration;
  - (b) to grant registration and to suspend or cancel registration of a Genetic Counselling Centre, Genetic Laboratory and a Genetic Clinic;
  - (c) to enforce standards prescribed for the Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics; and
  - (d) to investigate complaints of breach of the provisions of this Act or the rules made thereunder and take immediate action.
- (5) (i) The Central Government or the State, as the case may be, shall constitute an Advisory Committee for each Appropriate Authority to aid and advise the Appropriate Authority in the discharge of its functions, and shall appoint one of the members of the Advisory Committee to be its Chairman.
- (ii) The Advisory Committee shall consist of—
  - (a) three medical experts from amongst the gynaecologists, obstetricians, paediatricians and medical geneticists;
  - (b) one legal expert;
  - (c) one officer from the department concerned with information and publicity of the State Government or the Union Territory, as the case may be;
  - (d) three eminent social workers of whom not less than one shall be from amongst representatives of women's organisation.
- (iii) No person who, in the opinion of the Central Government or the State Government, as the case may be, has been associated with the use or promotion of pre-natal diagnostic technique for determination of sex shall be appointed to the Advisory Committee.
- (iv) (a) The Advisory Committee shall meet at such intervals as it may think fit but at not less than such intervals as may be prescribed.
- (b) the Chairman of the Advisory Committee shall convene a meeting of the Advisory Committee on the request of the Appropriate Authority for consideration of an application for registration or a complaint for suspension or cancellation of registration and to give advise thereon.
- (v) The terms and conditions subject to which a person may be appointed to the Advisory Committee and the procedure to be followed by such Committee in the discharge of its functions shall be such as may be prescribed.



The Committee also considered and adopted as an amendment to add a new sub-clause (b) as follows:

Page 7, after line 43

Add "(6) The Appropriate Authority shall act upon a complaint filed by any person aggrieved by the offence or by an organisation or institution immediately to prevent the removal and obliteration of evidence by accused party."

Clause 17, as amended, was adopted.

6. The Committee then took up clause 18 and the relevant amendment to sub-clause (1). Thereafter, the Committee accepted the following amendments:

- (i) Page 8, line 6  
After "Registered"  
Insert "either separately or jointly"
  - (ii) Page 8, line 11  
After "in"  
Insert "counselling or"
  - (iii) Page 8, line 16  
(a) After "engaged"  
Insert "either separately or jointly"  
(b) After "in"  
Insert "counselling or"
- Clause 18, as amended, was adopted.

7. The Committee then took up clause 19 and accepted the following amendment:

Page 8, line 30  
After "Clinic"  
Insert "either separately or jointly"  
Clause 19, as amended was adopted.

8. The Committee then considered amendments relating to clause 22 and accepted the following amendments:—

- (i) Page 9, line 17,  
After "(1) No."  
Insert "person, organisation or"
- (ii) Page 9, after line 24  
Add "(2) Whoever publishes or distributes or who causes to be published or distributed any advertisement in any manner regarding facilities of pre-natal determination of sex available at any genetic centre, genetic laboratory or genetic clinic or any other place, shall be punishable with same punishment as provided for under Sub-section (2)."
- (iii) Page 9, line 25,  
(a) For "(2)"  
substitute "(3)"  
(b) After "sub-section (1)"  
Insert "or sub-section (2)"

Clause 22, as amended, was adopted.

9. The Committee then took up for consideration of clause 3(1) and 3(2) and clause 4(1) relating to Regulation of Genetic Counselling Centres / techniques etc. which had been postponed at the earlier sitting to be taken up at the time of consideration of clause 17 on Appropriate Authority. The Committee also considered the relevant Amendments moved by a Member. After a lengthy discussion on the various aspects, it was decided that it was not necessary to make any provision for registration of the ultrasound machines, as there were other adequate provisions in the Bill to check the misuse of such machines, especially, relating to the registration of the place where such machines would be used and also the variety of diagnostic tests for which these machines were used. Some members, however,



held a different view on the question of registration of the ultrasound machines. Thereafter, the clauses 3 and 4 were adopted as per the earlier amendments accepted by the Committee.

10. The Committee then took up for consideration of Clause 23 and the relevant amendments moved thereto. The discussion was not concluded.

*The Committee then adjourned to meet again on Tuesday, 20 November, 1992 at 1100 hours.*



MINUTES OF THE SEVENTEENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991

The Committee sat on Tuesday, 20 November, 1992 from 11.20 hours to 13.10 hours in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Smt. D.K. Tharadevi Siddhartha — *Chairperson*

MEMBERS

*Lok Sabha*

2. Smt. Girija Devi
3. Smt. Geeta Mukherjee
4. Dr. Kartikeshwar Patra

*Rajya Sabha*

5. Smt. Sarla Maheshwari
6. Shri V. Narayanasamy
7. Smt. Satya Bahin
8. Smt. Sushma Swaraj

SECRETARIAT

Shri R.K. Chatterjee — *Deputy Secretary*

Shri T.D. Dhingra — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPARTMENT OF FAMILY WELFARE)

1. Shri A.K. Mukherjee — *Acting D.G.H.S*
2. Shri S.S. Kapur — *Director*
3. Dr. B.N. Saxena — *Senior Deputy Director, Indian Council of Medical Research, Ansari Nagar, New Delhi*
4. Dr.(Mrs.) Kamal Buckshee — *Prof. & Head of Department of Obstetrics and Gynaecology.*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPARTMENT OF LEGAL AFFAIRS)

1. Shri N.K. Agrawal — *Joint Secretary and Legislative Counsel*
2. Shri T.K. Vishwanathan — *Additional Legislative Counsel*

2. The Committee resumed further clause-wise consideration of the provisions of the Bill with reference to the amendments proposed thereto.

3. The Committee took up the part-discussed clause 23 and accepted the following amendments thereto:—

Page 9, line 31

After "his"

Insert "professional / technical"

Clause 23, as amended, was adopted.

4. The Committee also discussed the amendments moved relating to clause 24. The Committee decided not to make any change in the existing provisions.

5. The Committee then took up clause 28 and accepted the following amendments:

Page 11, line 9

(a) After "person"

Insert "including a person representing any social organisation"

(b) For "sixty"

Substitute "thirty"

Clause 28, as amended, was adopted.

6. The Committee then adopted without any amendment Clause 1, The Enacting Formula, the long title and the short title of the Bill.



7. The Committee also authorised the Legislative Counsel to correct patent errors and also carry out amendments of verbal or consequential nature wherever necessary in the Bill.

The Amendments received from the Members which were considered but not accepted by the Committee or were withdrawn by the Members are given in the *Annexure*.

*The Committee then adjourned.*



## ANNEXURE

LOK SABHA SECRETARIAT  
(Committee Branch-II)JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES  
(REGULATION AND PREVENTION OF MISUSE) BILL, 1991.

List of Amendments received from the Members of the Committee which were considered and not accepted by the Committee at their sittings held on 2, 3, 19 and 20 November, 1992.

(vide para 8 of the Minutes dated 20 November, 1992)

Sl. No.	Name of the Member and text of amendment	Clause No.
1	2	3
<b>SHRIMATI MALINI BHATTACHARYA</b>		
1. Page 1, lines 9—10,		1(i)
<i>after</i>	“force”	
<i>delete</i>	“on such date as the Central Government may be notification in the Official Gazette, appoint”	
<i>substitute</i>	“within three months of the passing of the bill in both Houses of Parliament”	
<b>SHRIMATI SARLA MAHESHWARI</b>		
2. Page 1, line 10,		1(3)
<i>after</i>	“appoint”	
<i>add</i>	“but not later than six months of passing the bill.”	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
3. Page 2, lines 6—12,		2(c)
<i>for</i>	“lines 6—12”	
<i>substitute</i>	“(c) For the purpose of this bill, ‘designated tests’ means any of the following pre-natal diagnostic tests, techniques, procedures, namely: (i) Amniocentesis (ii) Chorion Villi Biopsy (iii) Foetoscopy (iv) Any other test which the Govt. may by notification in the official gazette designate; and, ‘Specified test’ means any of the following pre-natal diagnostic tests, techniques, procedures, namely: (i) Any of the designated tests mentioned in sub-clauses (i) to (iii) above, (ii) Any other test notified as a designated test by the govt. under sub-clause (iv) above, (iii) Sonography, (iv) Any other test which the Govt. may by notification in the official gazette specify.	
<b>SHRIMATI SARLA MAHESHWARI</b>		
4. Page 2, lines 6—19,		2(c),(d),(e)
<i>delete</i>	“lines 6—19”	



1

2

3

**SHRIMATI MALINI BHATTACHARYA**

5. Page 2, lines 13—15, 2(d)  
     *for* “lines 13—15”

*substitute* “(d) A genetic unit means a unit attached to a govt. hospital research institution or medical college for the purpose of providing genetic counselling to patients and for performing gynaecological and obstetric procedures for designated and specified tests as under Section 2, clause (c)”

6. Page 2, lines 16—19, 2(e)  
     *delete* “lines 16—19”

7. Page 2, lines 29—40, 2(h),(i),(j)  
     *delete* “lines 29—40”

**SHRIMATI SARLA MAHESHWARI**

8. Page 2, lines 29—40, 2(h),(i),(j)

*for* “lines 29—40”  
*substitute* “Designated tests” means any of the following tests:  
     (1) Amniocentesis  
     (2) Chorion Villi Biopsy  
     (3) Foetoscopy  
     (4) Any other test which the Government may by notification in the official gazette designate; and, specific tests means only of the following pre-natal diagnostic tests procedure namely:  
         “(i) any of the designated test mentioned in sub-clauses (i) to (iii) above  
         (ii) any other test notified as designated test by the Government under sub-clause (iv) above  
         (iii) Sonography  
         (iv) any other test which the Government may by notification in the official gazette specify.”

**SHRIMATI MALINI BHATTACHARYA**

9. Page 3, lines 5—8, 3(1)  
     *for* “lines 5—8”

*substitute* “(1) No medical geneticist, gynaecologist, registered medical practitioner, or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person, any of the designated pre-natal diagnostic techniques or procedures except at genetic units provided for the purpose at govt. hospitals, research institutions or medical colleges.”

**SHRIMATI SARLA MAHESHWARI**

10. Page 3, lines 5—11, 3(1),(2)  
     *delete* “lines 5—11”

**SHRIMATI MALINI BHATTACHARYA**

11. Page 3, lines 9—11, 3(2)  
     *for* “lines 9—11”



1	2	3
<i>substitute</i>	“(2) All medical centres having or acquiring equipments which are to be used for the specified tests, including sonography, are to be registered under this act, and will be required to maintain records of all such tests done on pregnant women for the period specified in the act.”	
12. Page 3, lines 12—16, <i>delete</i>	“lines 12—16”	3(3)
<b>SHRIMATI SARLA MAHESHWARI</b>		
13. Page 3, lines 12—16, <i>for</i>	“lines 12—16”	3(3)
<i>substitute</i>	“No medical geneticist gynaecologist, registered medical practitioner or any other person shall conduct or cause to be conducted or aid in conducting by himself or herself or through any other person, any of the designated pre-natal diagnostic techniques or procedure except of genetic units provided for the purpose at Government hospitals research institution or medical colleges.”	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
14. Page 3, lines 20—21, <i>for</i>	“no place including a registered Genetic Counselling Centre, or Genetic Laboratory or Genetic Clinic”	4(1)
<i>substitute</i>	“No genetic unit or registered medical centres for specific test”.	
<b>SHRIMATI SARLA MAHESHWARI</b>		
15. Page 3, lines 20—21, <i>for</i>	“lines 20—21”	4(1)
<i>substitute</i>	“No genetic units or registered medical Centres for specific test”.	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
16. Page 3, line 23, <i>for</i>	“after”	4(1)
<i>substitute</i>	“without”	
<b>SHRIMATI GEETA MUKHERJEE</b> <b>SHRIMATI GIRIJA DEVI</b>		
17. Page 3, line 38, <i>for</i>	“thirty five”	4(3)(i)
<i>read</i>	“thirty”	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
18. Page 3, line 42, <i>after</i>	“chemicals”	4(3)(iii)
<i>add</i>	“as per list prepared in the rules and regulations under the act.”	
<b>SHRIMATI SARLA MAHESHWARI</b>		
19. Page 3, line 42, <i>after</i>	“chemicals”	4(3)(iii)
<i>add</i>	“and as per list prepared in the rules and regulations under this act.”	



1	2	3
<b>SHRIMATI MALINI BHATTACHARYA</b>		
20. Page 4, line 3,		4(3)(iv)
after	"genetic disease"	
add	"as per list prepared in the rules and regulations under the act."	
<b>SHRIMATI SARLA MAHESHWARI</b>		
21. Page 4, line 3,		4(3)(iv)
after	"Genetic disease"	
insert	"as per rules and regulations under this act."	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
22. Page 4, line 14—21,		6(a), (b)
delete	"lines 14—21"	
<b>SHRIMATI GEETA MUKHERJEE</b>		
<b>SHRIMATI GIRIJA DEVI</b>		
23. Page 4, line 35,		7(2)(d)
for	"eight"	
read	"twelve"	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
24. Page 4, line 35,		7(2)(d)
for	"eight"	
substitute	"ten"	
<b>SHRIMATI SARLA MAHESHWARI</b>		
25. Page 4, line 35,		7(2)(d)
for	"eight"	
substitute	"ten"	
26. Page 4, line 39,		7(2)(d)(iii)
after	"line 39"	
add	"Legal experts"	
<b>SHRIMATI MALINI BHATTACHARYA</b>		
27. Page 4, line 39,		7(2)(d)(iv)
after	"line 39"	
add	"(e) eminent legal experts;"	
Consequential amendments		
for	"7(2) (e) read 7(2) (f)"	
for	"7(2) (e) read 7(2) (g)"	
28. Page 4, line 39,		7(2)(d)(iv)
after	"amended 7(2)(e)"	
add	"provided they are known not to have been associated in any way with use or promotion of pre-natal diagnostic techniques for sex-determination."	



1	2	3
	SHRIMATI GEETA MUKHERJEE SHRIMATI GIRIJA DEVI	
29.	Page 4, line 40, <i>delete</i> "representatives of women welfare organisations"	7(2)(d)(iv)
	SHRIMATI MALINI BHATTACHARYA	
30.	Page 4, line 40, <i>for</i> "two" <i>substitute</i> "ten"	7(2)(e)
	SHRIMATI SARLA MAHESHWARI	
31.	Page 4, line 40, <i>for</i> "two" <i>substitute</i> "ten"	7(2)(e)
	SHRIMATI MALINI BHATTACHARYA	
32.	Page 4, line 41, <i>for</i> "in alphabetical order" <i>substitute</i> "starting with States where misuse of PNDT is significantly higher."	7(2)(e)
	SHRIMATI SARLA MAHESHWARI	
33.	Page 4, line 41, <i>for</i> "in alphabetical order" <i>substitute</i> "starting with States where misuse of Pre-Natal Diagnostic Techniques is significantly higher."	7(2)(e)
	SHRIMATI MALINI BHATTACHARYA	
34.	Page 5, <i>after</i> "line 3" <i>insert</i> "also provided that they are known not to have been associated in any way with use or promotion of pre-natal diagnostic tests for sex-determination."	7(2)(e)
	SHRIMATI GEETA MUKHERJEE SHRIMATI GIRIJA DEVI	
35.	Page 5, after line 3, <i>insert new sub-clause 2(f)</i> "four representatives of Women Welfare Organisations"	7(2)(e)
	Consequential amendments	
	<i>for</i> "7(2)(f) read 7(2)(g)"	
36.	Page 7, lines 9—12, <i>for</i> "16 (iv) and (v)"	16(iv)(v)



*substitute* “(iv) To lay down code of conduct to be observed by all gynaecologist, medical geneticists, registered medical practitioners or any other person in their carrying out of specified tests.”  
 “(v) To prepare a list of minimum standards in term of equipment, levels of skill and expertise that would be required to perform the designated tests in a proper manner.”

SHRIMATI SARLA MAHESHWARI

37. Page 7, lines 9—12,

*for* “lines 9—12”

*substitute* “(iv) to lay down code of conduct to be observed by all gynaecologist, medical geneticists, registered medical practitioners or any other person in their carrying out of specified tests.”  
 “(v) To prepare a list of minimum standards in term of equipment, levels of skill and expertise that would be required to perform the designated tests in a proper manner.”

SHRIMATI GEETA MUKHERJEE

SHRIMATI GIRIJA DEVI

38. Page 7, after line 11,

Add two new sub-clauses

“(v) to submit six monthly reports about its activities to the corresponding legislatures and elected bodies, to be placed before the members of these bodies.”

“(vi) to hear the appeals against decisions of the Appropriate Authorities.”

*Consequent Change*

*for* 16(v) read 16(vii)

SHRIMATI SARLA MAHESHWARI

39. Page 7, lines 18—20,

*for* “lines 18—20”

*substitute* “The State Govt. shall constitute a State Appropriate Authority which shall include following members:

(i) The Director of Health Services, ex-officio: Chairman.

(ii) The Joint Director of Health Services ex-officio: Vice-Chairman.

(iii) Two representatives of Women's Organisation.

(iv) An eminent Gynaecologist of Medical Geneticist.

(v) An eminent lawyer.

(vi) A representative of the ICMR.”

SHRIMATI GEETA MUKHERJEE

SHRIMATI GIRIJA DEVI

40. Page 7, line 19,

*after* “Appropriate Authorities”

*insert* “upto the district level”

SHRIMATI MALINI BHATTACHARYA

41. Page 7, lines 19—20,

*for* “One or more officers as Appropriate Authorities for the purpose of this Act.”

16(iv)

16(iv)

17(2)

17(2)

17(2)



*substitute*

“Constitute a State Appropriate Authority, to consist of the following members:

- (i) The Director of Health Services, ex-officio: Chairman.
- (ii) The Joint Director of Health Services ex-officio: Vice-Chairman.
- (iii) Two representatives of non-governmental organisations including one from a State-level Women’s Organisation.
- (iv) The Director of Medical Education & Research or his representative, not below rank or a Deputy Director.
- (v) An eminent Gynaecologist or Medical Geneticist;
- (vi) An eminent lawyer with experience in laws concerning women;
- (vii) A representative of the ICMR.

The members referred to in (iii), (iv), (vi), (vii) shall be nominated by the State Government.”

SHRIMATI GEETA MUKHERJEE

SHRIMATI GIRIJA DEVI

42. Page 7, line 24,

*after* “the case may be”

17(3)

*add* “The officers of district level Appropriate Authorities under sub-clause (2) shall be of the level of District Health Officer and the officer in charge of family planning in the district”

SHRIMATI MALINI BHATTACHARYA

43. Page 7, line 27,

*after* “registration of a”

17(4)(i)

*insert* “medical centre having or acquiring equipments to be used for specified tests”

SHRIMATI SARLA MAHESHWARI

44. Page 7, line 27,

*after* “registration of a”

17(4)(i)

*insert* “Medical Centre maning or acquiring equipments to be used for specific tests”

SHRIMATI MALINI BHATTACHARYA

45. Page 7, lines 30-31,

*for* “17(4) (ii)”

17(4)(ii)

*substitute* “(ii) To enforce standards prescribed for all specified tests”

SHRIMATI SARLA MAHESHWARI

46. Page 7, lines 30-31,

*for* “lines 30-31”

17(4)(ii)

*substitute* “(ii) to enforce standards prescribed for all specific tests.”

SHRIMATI MALINI BHATTACHARYA

47. Page 7, lines 32-33,

*after* “line 33”

17(4)(iii)



*add*

“(iv) To ensure and monitor that the designated tests are being conducted only in units attached to Govt. hospitals, medical colleges and research institutions and within specifications of the Act.

(v) To carry out periodic screening of all medical records pertaining to specified tests.”

SHRIMATI SARLA MAHESHWARI

48. Page 7, line 33,

*after*

“line 33”

17(4)(iii)

*add*

“(iv) To ensure and monitor that designated tests are being conducted only in units attached to Govt. hospitals, medical colleges and research institutions and within specification of the act.

(v) To carry out periodic scrutiny of all medical records pertaining to specified tests.”

SHRIMATI GEETA MUKHERJEE

SHRIMATI GIRIJA DEVI

49. Page 7, line 36,

*insert new sub-clause*

“(ii) The State Governments or Union Territories shall constitute district level Advisory Committees to aid and advise the Appropriate Authorities at the corresponding level”

17(5)(i)

*Consequential changes*

*for*

17(5) (ii) read 17(5)(iii)

*for*

17(5) (iii) read 17(5)(iv)

50. Page 7, line 37 and 38,

*for*

“two Gynaecologists or medical geneticists”

17(5)(ii)

*substitute*

“one gynaecologist, one obstetrician, one pediatrician”

17(5)(ii)

51. Page 7, lines 38,

*for*

“three”

*substitute*

“five”

17(5)(ii)

52. Page 7, line 39,

*for*

“one”

*read*

“three”

17(5)(ii)

53. Page 7, line 39,

*insert*

“and one representative from Information and Broadcasting Department at the corresponding level.”

54. Page 8, line 6,

*insert*

“Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics should in general be attached to government hospitals or institutions. Only in exceptional cases, private institutions of high repute and adequate qualified staff and equipments should be granted registration under this Act”

18(i)

55. Page 8, line 42,

*after*

“or on complaint,”

20(i)



1	2	3
	<i>insert</i>	"from any person or social organisation."
	SHRIMATI MALINI BHATTACHARYA	
56.	Page 9, lines 28—38.	23(1)
	<i>for</i>	"lines 28—38 (Section 23(1))"
	<i>substitute</i>	"(1) Any medical geneticist, gynaecologist, registered medical practitioner or any other person who contravenes any of the provisions of this Act or rules made thereunder shall be punishable with or imprisonment for a minimum term of one year, which may extend to three years, and with a minimum fine of five thousand rupees which may extend to twenty thousand rupees, and on any subsequent conviction with imprisonment which may extend to 5 years, with fine which may extend to fifty thousands rupees."
57.	Page 9, line 44,	23(2)
	<i>after</i>	"subsequent offence"
	<i>add</i>	"upon which it will be mandatory for the State Medical Council to remove the name from their register for a specified number of years"
58.	Page 10, lines 4-5,	23(3)
	<i>delete</i>	"(including such woman unless she was compelled to undergo such diagnostic techniques"
	SHRIMATI SARLA MAHESHWARI	
59.	Page 10, lines 4-5,	23(3)
	<i>delete</i>	"(including such women unless she was compelled to undergo such diagnostic techniques"
	SHRIMATI MALINI BHATTACHARYA	
60.	Page 10, line 12,	24
	<i>delete</i>	"unless the contrary is proved"
	SHRIMATI SARLA MAHESHWARI	
61.	Page 10, line 12,	24
	<i>delete</i>	"unless the contrary is proved"
	SHRIMATI MALINI BHATTACHARYA	
62.	Page 11, lines 4—11,	28(1) (a), (b)
	<i>delete</i>	"28(1), (a), (b)"
	SHRIMATI GEETA MUKHERJEE SHRIMATI GIRIJA DEVI	
63.	Page 11, lines 9, 10 and 11,	28(i) (b)
	<i>for</i>	sub-clause (b) substitute a new sub-clause (b) as under: "(b) Any person or social organisation aware of such offence"
64.	Page 11, lines 16,	28(3)
	<i>after</i>	"such person"
	<i>insert</i>	"or social organisation"



1

2

3

65. Page 11, lines 18,

28(3)

after

"such person"

insert

"or social organisation"

**General Suggestions****SHRIMATI SARLA MAHESHWARI**

66. Page 4, lines 14-21,

delete

"lines 14-21"

**SHRIMATI MALINI BHATTACHARYA**

67. Page 8, lines 1—52 and page 9, lines 1—15

delete

"Chapter VI, Clauses 18—21"

6

18, 19, 20, 21

NEW DELHI;

Dated: 11 December, 1992

T.D. DHINGRA,  
Under Secretary.



MINUTES OF THE EIGHTEENTH SITTING OF THE JOINT COMMITTEE ON PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) BILL, 1991.

The Committee sat on Wednesday, 16 December, 1992 from 1500 hours to 1530 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Smt. D.K. Tharadevi Siddhartha —Chairperson

MEMBERS

*Lok Sabha*

2. Smt. Malini Bhattacharya
3. Smt. Girija Devi
4. Smt. Geeta Mukherjee
5. Dr. (Smt.) Padma
6. Dr. Vasant Niwutti Pawar
7. Dr. (Smt.) K.S. Soundaram

*Rajya Sabha*

8. Smt. Sarla Maheshwari
9. Shri Sarda Mohanty
10. Shri V. Narayanasamy
11. Smt. Satya Bahin
12. Smt. Sushma Swaraj

SECRETARIAT

1. Shri R.K. Chatterjee —Deputy Secretary
2. Shri. T.D. Dhingra —Under Secretary

REPRESENTATIVE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE (DEPARTMENT OF FAMILY WELFARE)

Shri S.S. Kapur —Director

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DEPARTMENT OF LEGAL AFFAIRS)

1. Shri B.R. Atre —Joint Secretary and Legislative Counsel
2. Shri T.K. Vishwanathan —Additional Legislative Counsel

2. The Chairperson welcomed the Members to the sitting of the Committee and observed that the Committee had reached the final stage of their deliberations to adopt the Bill as amended by the Committee to which the final shape has been given by the legal draftsman; and also the draft report thereon of the Committee. The Chairperson then invited suggestions, if any, in regard to the Bill as also the draft report.

3. The Committee considered and adopted the Bill as amended.

4. The Committee thereafter consider and adopted the draft report.

5. Some members, however, felt that they held different views on certain aspects and said that they might give their Minutes of Dissent for being appended to the report. The Chairperson then observed that the report of the Committee was based on majority decisions arrived at by the Committee but any member disagreeing with the report or a part thereof could append a Minute of Dissent on any matter connected with the Bill or dealt with in the report.

6. The Chairperson then drew the attention of the Members to the provisions contained in Direction 87 of the Directions by the Speaker regarding Minutes of Dissent and announced that the Minute of Dissent, if any, might be sent to the Lok Sabha Secretariat by 1200 hours on Friday, 18 December, 1992.

7. The Committee authorised the Chairperson and, in his absence Shrimati Malini Bhattacharya, M.P. to present the Report and lay the record of evidence on the Table of the House.

8. The Committee also authorised Shri Sarda Mohanty and in his absence Shrimati Sushma Swaraj to lay the Report and the record of evidence on the Table of Rajya Sabha.



9. The Committee also authorised the Legislative Counsel to carry out certain minor corrections of drafting nature which might have emerged in the Bill as also the draft report.

10. The Committee placed on record their appreciation for the co-operation and assistance rendered by the Legislative Counsel of the Ministry of Law, Justice and Company Affairs (Legislative Department) and officers of the Ministry of Health and Family Welfare (Department of Family Welfare).


11. The Committee also placed on record their appreciation and thanks to the officers and staff of the Lok Sabha Secretariat for their hard work and valuable assistance rendered by them to facilitate the work of the Committee and in all matters and in preparing their draft Report promptly.

12. The Chairperson, while associating herself in thanking the above mentioned Officers, also thanked the members of the Committee for extending their full co-operation to her in conducting the proceedings of the Committee in most congenial atmosphere.

13. The Members of the Committee also placed on record their high appreciation and thanks to the Chairperson (Smt. D.K. Tharadevi Siddhartha) for very ably and impartially conducting the proceedings of the Committee and guiding their deliberations at various stages of the Bill.

*The Committee then adjourned.*





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Published under Rule 382 of the Rules of Procedure and Conduct of  
Business in Lok Sabha (Seventh Edition) and printed by the Manager  
(P.L. Unit) Govt. of India Press, Minto Road, New Delhi.

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