

Minister or a Deputy Chairman or Chairman of the Rajya Sabha. This House had passed similar amendments in case of the Governing Body of the All India Institute of Medical Sciences and PGI, Chandigarh. So, this is a very small and an innocuous Bill meant to provide more facilities to all those Members who are not elevated to higher posts.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill to amend the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, as passed by the Rajya Sabha, be taken into consideration."

The scope of the Bill is very limited. Time allotted for this Bill is 30 minutes.

SHRI ADHIR CHOWDHARY (Berhampore, West Bengal): Sir, the title of the Bill is 'Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Amendment Bill.

[Translation]

DR. M.P. JAISWAL (Betiah): Mr. Deputy Speaker, Sir, it should be passed as it is...*(Interruptions)* It is not any issue. The second bill can be taken up...*(Interruptions)* There is nothing in it, second bill should be taken up...*(Interruptions)*

DR. RAGHUVANSH PRASAD SINGH (Vaishali): No, how can the second bill can be taken up...*(Interruptions)*

MR. DEPUTY SPEAKER: It is a very small bill. Hon'ble Minister has stated about it just now.

...*(Interruptions)*

[English]

SHRI ADHIR CHOWDHARY: Sir, this Bill has already been passed by the Rajya Sabha. I am very much in agreement with the hon. Minister when he says that this is apparently a small Bill, yes but in essence it has had wider ramifications as far as our society, in particular, is concerned and as far as our country, in general, is concerned. This amending Bill seeks to terminate the membership of the Central Supervisory Board which is constituted under section 7 of the Act and which includes three women Members of Parliament. It says that consequent upon a member becoming a Minister of the State or a Deputy Minister or the Deputy-Speaker or the Speaker of the House of the people or a Deputy Chairman of the House, his/her membership from the

15.25 hrs.

PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) AMENDMENT BILL

[English]

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. C.P. THAKUR): Sir, I beg to move:

"That the Bill to amend the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, as passed by the Rajya Sabha, be taken into consideration."

Sir, this is a very small amending Bill. It provides that the Members of either the Lok Sabha or the Rajya Sabha who are Members of the Central Supervisory Board, under this Act, would cease to be a Member of that Board if they are elevated to the posts like the Speaker, Lok Sabha, or the Deputy-Speaker, Lok Sabha or a Deputy Minister, or a State Minister or a Cabinet

[Shri Adhir Chowdhary]

Board shall stand terminated. I do not find any excuse to oppose this Bill.

Sir, I would rather prefer to seize this opportunity to express my concern and draw the attention of the hon. Minister to some relevant issues. It is because it relates to our population and it also relates to gender inequalities in India. We know that the population balance is now being distorted much to the discomfiture of all of us.

MR. DEPUTY SPEAKER: Shri Chowdhary, you can have a general discussion on population on the Constitution Amendment Bill. That is the reason why the BAC has given only 30 minutes for this Bill.

SHRI ADHIR CHOWDHARY: Sir, when I have got the opportunity of having Dr. C.P. Thakur as the hon. Minister of Health, I cannot resist my temptation.

MR. DEPUTY SPEAKER: You resist your temptation till the next Bill.

SHRI ADHIR CHOWDHARY: Sir, I would just take a few minutes. This Bill talks about pre-natal diagnostic techniques regulation and prevention of misuse. But the Government cannot ban devices like the ultra-sonography, amniocentesis and clorific biopsy. These relate to genetic disorders. If those genetic disorders get manifested and detected early, then they could be prevented. There are ten million people in India who are suffering from various kinds of genetic disorders and further more, about 5,000 diseases relating to genetic disorders have been discovered so far. So, it is a continuous process. I would like to know as to how the Pre-implantation Genetic Diagnosis could be prevented. In short it is called the PGD. Pre-Natal Sex determination is done after a woman conceives but the process of pre-implantation is different. It relates to the embryonic stage.

The question is as to how you would prevent those people who indulge in determining the sex through Flourescent *In Situ* Hybridization.

The Bill was passed in 1994 and it came into force in 1996. I would like to know whether the Government has got any effective tool to prevent misuse of gender identification, especially so in the case of techniques of pre-implantation genetic diagnosis. How do we prevent the people who are going to indulge in this practice through this process? In India, as far as our population is concerned...(Interruptions)

SHRI VARKALA RADHAKRISHNAN (Chirayinkil): Cloning of human embryos will come soon.

SHRI ADHIR CHOWDHARY: It is the most recent syndrome.

MR. DEPUTY-SPEAKER: Shri Radhakrishnan, this is a very limited Bill.

SHRI VARKALA RADHAKRISHNAN: Cloning of human embryo is an international issue.

MR. DEPUTY SPEAKER: You are encroaching upon the hon. Member's time.

SHRI VARKALA RADHAKRISHNAN: He has conceded to me.

MR. DEPUTY SPEAKER: No, he has not. If he had conceded, he would have yielded to you.

SHRI ADHIR CHOWDHARY: Males in India are outnumbering females by 5 to 8 per cent. In developed countries, females are outnumbering males by 3 to 5 per cent. I have been struck by my conscience to think whether we have been blessed or blemished by science. You cannot deny the fact that only by enacting laws you cannot prevent this evil practice. A social movement is imperative for this. From womb to the tomb, the girl child suffers miserably. Gender inequality in the opportunity structure is so pervasive that childhood becomes dicotomy splitting into girlhood and boyhood.

A child has a right to be born. But the life of the girl child is snuffed out at birth? If this gender discrimination continues like this, a day might come when polygamy might again have to be restored to in our society. If this continues like this, sexual crime will also go up in our society.

Taking into consideration all these aspects, we need to adopt a holistic approach in this regard. It is detrimental to our society and to our country. Predilection against the girl child should be banished by awakening the conscience of our countrymen.

DR. V. SAROJA (Rasipuram): Mr. Deputy Speaker, Sir, I rise to support the Bill with certain reservations.

Sex determination can be done, as the previous speaker has said, through the methods - (1) Chronic Villi Biopsy, (2) Amniocentesis, (3) Ultrasonogram, and (4) Chromosomal Sex Determination from Buccal Smear test. This Bill consists of two parts. One part is the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, and rules framed thereunder and enforced with effect from 1st January, 1996. I would like to put a pertinent question to the hon. Minister.

Though the Act came into being in 1996, still the incidents of female infanticide are on the rise. That is again attributed to the sex determination test.

The child sex ratio has come down consistently from 976 in 1961 to 927 in 2001.

The female infanticide is attributed only because of the sex determination test. In the first trimester months of the pregnancy, they are certain provisions for detecting genetic or metabolic disorders, chromosomal abnormalities, certain congenital malformations of sex linked disorders and for prevention of the misuse of such techniques. For this purpose, we cannot ignore the ultra-sonogram and other diagnostic techniques.

Sir, though the female infanticide has been banned through the Act of 1996 which came into force from the New Year day of 1996, I must congratulate the NGOs who had filed a PIL in the hon. Supreme Court of India in this regard and on 4th April, 2001, the hon. Supreme Court had come out with a direction to the Centre. I may be allowed to quote it. The hon. Supreme Court says:

"The Medical Council of India (MCI) as the professional watchdog should have stepped in *suo motu*. It is not too late. MCI should set the ball rolling.

Law alone cannot tackle social crimes like female infanticide. Law is only a tool, often an ineffective instrument as experience shows. What is needed is a campaign to change the mindset of the people. NGOs are better cut out for the job, not the Government."

With these words, I conclude.

[Translation]

DR. RAGHUVANSH PRASAD SINGH: Sir, I also want to speak on this bill.

MR. DEPUTY SPEAKER: You can speak on the next bill.

DR. RAGHUVANSH PRASAD SINGH: I would like to tell why I want to speak on this bill...*(Interruptions)*

MR. DEPUTY SPEAKER: You can mention it while speaking on the next bill. That bill is also related to the Medical Council. You can make your points during the discussion on that bill also.

DR. RAGHUVANSH PRASAD SINGH: Sir, that is different...*(Interruptions)*

MR. DEPUTY SPEAKER: All right, please speak for two minutes only.

DR. RAGHUVANSH PRASAD SINGH: Mr. Deputy Speaker, Sir, though the bill contains amendment of a single clause but it is an important one. I do not know why Members want to get it passed without discussion. These members are in favour of female infanticide. Supreme Court has stated time and again that this law is not being implemented effectively. Discussion should be held on this bill. People of the country and over all world are aware of the contents of this bill, whether it is being implemented or not...*(Interruptions)* will it topple down this Government?

Sir, it is a very important bill. The bill which was meant for detecting Chromosomal abnormalities, genetic or metabolic disorders is being used for sex determination also. The child sex ratio has come down drastically in Punjab, Gujarat, Haryana, Himachal Pradesh, Chandigarh and Delhi during the year 2001. The law was enacted to detect genetic or metabolic disorders or other sex linked disorders but on the contrary it is being used for sex determination. We all are aware that in the country like ours people do not prefer girl child. They prefer only male child. This is the mindset of the people. At some places there is a practice to see the child after six days of birth and if it is a girl child, they kill the child. Such a social evil is prevailing in the society. Therefore, several laws are being enacted to stop this evil. Supreme Court has stated that this law is not being implemented effectively.

[English]

"The Supreme Court, in a Public Interest Litigation, filed by the Centre for Enquiry into Health and Allied Themes (CEHAT) and others Vs. Union of India and others, has issued directions on 4th May, 2001 to the Central Government, State Governments and appropriate authorities to take steps for effective implementation of the Act."

[Translation]

Effective implementation of this law is not taking place. The Government has brought this clause but I do not know about the action taken for its implementation. On investigating the matter it has been found that practitioners have made such tests as a part of their business. How the Government is going to punish them? I have an apprehension that their practice is going on but the Government is not willing to conduct discussion on it.

[Dr. Raghuvansh Prasad Singh]
[English]

"A technical committee under the Central Supervisory Board has been constituted to examine the possibility of amending the PNDT.

[Translation]

The Government intends to amend the act and to constitute a sub-committee in this regard.

[English]

"Keeping in view the emerging technologies and to eliminate the difficulties encountered in the implementation of the Act."

[Translation]

Supreme Court has given this direction. It has also been found that the girl child ratio has come down. What has been suggested by the Government in this regard and what improvements are taking place in this regard? That's why I am saying that the law in this regard is not being implemented in true letter and spirit. Whether the Government will fall on such a trifle matter? Mr. Deputy Speaker, Sir, discussion on this issue should be continued. The direction issued by the Supreme Court should be implemented and a massive publicity should be made among the people in this regard. People are opting for pre-Natal sex determination test and if it is a girl child they opt abortion. In this way such an evil is creeping in the society. I request the Government to implement the law effectively.

Mr. Deputy Speaker, Sir, I have many examples, therefore, extra time should be allotted for discussing such an issue. I have figures in this regard. How the law will be implemented? Why the child sex ratio is coming down? What the Government is going to achieve by amending this act? Hon'ble Minister himself is a doctor. I have heard his speech at many places and I would like the members of this House also to be apposed of these things. Therefore, I would like to caution the Government to desist from getting it published in the Gazette to keep a check on this practice.

Mr. Deputy Speaker, Sir, hon'ble Minister should reply to the points which I have raised.

[English]

SHRIMATI MINATI SEN (Jalpaiguri): Mr. Deputy-Speaker, Sir, I thank you for giving me a chance to participate in this important debate.

Sir, as you know, the PNDT Act of 1994 came into force in the year 1996. But the Supreme Court order said:

"It appears that despite the PNDT Act being enacted by the Parliament five years back, neither the State Government nor the Central Government has taken appropriate action."

"Sir, you know although there is a slight increase in the sex ratio in the recently held census, the aspect that alerts us, cautions us is that there is a decline in the sex ratio of those who are under the age of 6. This trend is perceptible in the well off States like Punjab, Delhi and Gujarat. As for example in Punjab, it is 777 females as against 1000 men, in Delhi the number is 965 and in Gujarat it is 875."

I know that a social movement is necessary against this evil and drastic changes are also needed in the Government policies.

The act of female foeticide is possible because of the role played by a section of medical community who is advertising and encouraging sex determination tests for identifying the sex of foetus and for subsequently aborting the female foetus.

My proposal is that special court should be formed for speedy trial of the guilty and punishable measures should be taken against the couples who are having such investigation. Secondly, there should be mass education programme starting from college level regarding the menace of female infanticide.

There should be awareness campaign on population explosion, environmental problems, and atrocities on women. The matter of atrocities on women should be combined with the awareness against female infanticide. Patients register of ultrasound and amniocentesis centres should be regularly checked by health authorities to find out if there is any discrepancies.

Otherwise, rampant practice of sex determination will continue and that will lead to the abortion of female foetus and doctor will get escaped by citing that contraceptive failure as the reason for abortion which is legal.

"Sir, this year has been declared as the year of empowerment for women. But it is matter of regret that the Government has failed to reserve one third seats for women either in Legislative Assemblies or in Parliament. It is indeed regrettable that the Government has not been

*... Translation of the speech originally delivered in Bengali.

able to introduce the Bill even in the House. So many Acts have been passed for the welfare of women after independence. But I am sorry to say that these Acts have not been implemented even after 54 years of independence due to the attitude of the Government and lack of political will. The condition of women has been deteriorating day by day politically, economically, socially or in her family life. They have been deprived of their Constitutional rights and have remained at the receiving end in every field. More than 20 lakh female foeticide have taken place till now. My party and I support this important Bill with the hope that the implementation of the Act will provide the women their long over due right and help them to live their life with dignity and honour.

Thank you once again for giving me the opportunity for participating in the discussion."

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. C.P. THAKUR): Sir, first of all, I thank the hon. Members for taking keen interest in this Bill. It is a small Bill. Certain very good points have been raised by Shri Adhir Chowdhury, Dr. V. Saroja, Dr. Raghuvansh Prasad Singh, and Shrimati Minati Sen.

Sir, actually since this Bill was enacted, many new techniques, as pointed out by Shri Chowdhury, have come in practice. The hon. Member has made a mention about the medical termination of pregnancy. So, there is some conflict between the new technique about this Act and the medical termination of pregnancy also. So, we will be coming possibly in the next Session of Parliament with a very extensive Bill covering all these aspects. The Government is very active in this. The Government is taking help of the State Governments as also the religious leaders. Akaal Takht has done a commendable job in this regard. They have issued instructions to all their Gurudwaras that they should help in this programme. Many religious leaders have participated in it. So, we are very active. It is a social evil and it will have to be fought by all of us.

So, with these few words, I request that the Bill be taken up for consideration and passing.

MR. DEPUTY SPEAKER: The question is:

"That the Bill to amend the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the long Title were added to the Bill.

DR. C.P. THAKUR: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.
