

Nobody is opposing it. Then the leave is granted.

Under Rule 62, not less than 2-1/2 hours are allotted for its discussion. The motion will be taken up at 16.30 hours.

14.23 hrs.

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

**As reported by Joint Committee**

*Contd.*

SHRIMATI MALINI BHATTACHARYA (Jadavpur): Sir, I rise to speak on Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill. The reason why I rise to speak is that I was one of the Member of the Joint Select Committee which deliberated on the Bill and I was one of the Members who gave a note of dissent regarding the recommendations of the Bill on some specific issues. It is not as if I want to oppose the Bill or prevent it from being passed. I think, something is better than nothing and this Bill has long been waited for and as such I am not opposing the Bill. But I want to point out some serious loopholes in the Bill which I believe may detract from its effectiveness.

Some people who have opposed the bringing of legislation in this respect have said that just as by passing the Anti-dowry Act it has not been possible for us to contain the evils of the dowry system, similarly it is no use bringing this legislation because the incidence of female foeticide, following foetal sexual diagnosis, is something which arises out

of our social prejudice and, therefore, it cannot be done away with simply by making a legislation. I do not agree with this. However, I do agree that the incidence of female foeticide which is the way in which these prenatal diagnostic tests are misused, is a symptom of the real disease. The disease is, infact, the social devaluation of women, and this social devaluation of women is being enhanced today, is being aggravated today because our Government has followed a model of development which is bound to enhance the marginalisation of weaker social groups, like Scheduled Castes, Scheduled Tribes, women and other weaker sections of society. So, it is this marginalisation of women and social devaluation of women which is the disease; the misuse of pre-natal diagnostic tests for female foeticide is merely the symptom.

In fact, we do find that in certain cases where there is a traditional society, when that traditional society breaks up and when this traditional society becomes a part of social change and so-called economic development, then new evils are introduced. We find that dowry system which had not existed before in that society because women were workers in that society, is now introduced. Dowry becomes a newly introduced evil in these societies and then female foeticide also comes in the wake of that. But while I admit all this, I would think that not having the legislation would mean that society sanctions such barbarism and, therefore, I think that it is important to have the legislation. The Central Committee which discussed this problem of sex determination also in 1989, recommended that there should be such legislation, and I agree with it.

**Banning of these tests is not possible because these tests are only**

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incidentally to be used for sex determination. Their real use is something different. They are used for detecting genetic defects and abnormalities in foetuses and for other reasons and, therefore, it is not possible to have these tests banned altogether. Therefore, it is necessary not to ban these tests but to regulate and to prevent their misuse. Up to this point I agree with what is given in this Bill. I think that after the report of the Joint Select Committee, the Government has taken a very long time to table this Bill. But now that they are tabling this Bill, now that it is being discussed in the Parliament, I hope it will be taken up with some proposed amendments.

I do not want to go into the horrendous and sensational stories of the massacre of innocents even in the womb not because they possess any defect but simply because they are female. I do not want to more than merely mention that while 85 percent doctors in our country are opposed to this kind of pre-natal sex selection, yet there is a certain small, but very strong, lobby within the medical profession, a very strong vested interest, which not only encourages this practice but in defiance of the hippocratic oath even juggle with the test reports and persuade clients to abortion hiding the fact that the foetus is, in fact, not female but male. They also promote spurious methods said to result in the birth of male children. Moreover, many of the tests which are used for sex determination can only determination the sex of the foetus at stage when abortion is extremely hazardous for the mother.

So, all these things are happening; all these things are taking place and we find that these horrendous things are

being supported by all kinds of specious but sophisticated arguments. The one argument that is given is that this kind of sex selection is important for the sake of a balanced family. Now, I think that this notion of a balanced family, having the parents and one male child and one female child is a thoroughly unscientific and illogical proposition. I do not see why a family that has two male child is not considered to be unbalanced and why a family that has more than one female child is considered to be an unbalanced family. Moreover, even if there is a female foetus and if that female foetus is aborted, there is no guarantee that the next pregnancy will produce a male child inevitably.

As a matter of fact we find that this slogan of a balanced family, which is a thoroughly unscientific idea as I have said, is being used in such a manner that the balanced in the male-female ratio of our total population is being jeopardised. We find that in our population the ratio of female to males is continuously going down. Now it is 927 females to 1,000 males. I am not saying that this is because of these female foeticides alone. No, not because of that alone but because of the general neglect from which the female baby suffers in our society there is great mortality in female babies and so on. However, if this argument of a balanced family is projected and if every time a female foetus is detected it is aborted, then it is likely to increase this imbalanced in the male-female ratio in our population.

The other specious argument that is given again is a very modern argument. It is said that it is a democratic right of parents to choose parenthood. We talk of parenthood by choice these days. The argument relates to family planning and the foeticide of the female child is justified

on this ground that this is a part of family planning.

It is argued that since abortion as such is legalised why should that right be restricted in the case of a female foetus just because it is female. It is argued that if this Act is passed then one of the basic democratic rights of the parents – the right to choose their children will be impinged upon. Now, as matter of fact, in the Medical Termination of Pregnancy Act, 1971, “injury to physical and mental health of the mother” is one of the grounds on which medical termination of pregnancy is allowed. And this clause “injury to the mental health of the mother” is explained and the explanation includes “failure of any device for the purpose of limiting the number of children”. In other words, here what is being said is that if there is a failure of family planning devices adopted by the parents, in that case also the mental anguish that is caused to the mother may be a ground for medical termination of pregnancy. Now it is said that when a mother conceives a girl child which she had not intended to, then that causes mental anguish and, therefore, female foeticide is justified on that ground. You will see that the argument for family planning and the argument for planned parenthood is speciously being used to promote female foeticide. I would say that this is an atrocious prevarification and it is a juggling with the real intention of the Medical Termination of Pregnancy Act. Medically, medical termination of pregnancy cannot be considered as a substitute for regular family planning method. It is only to be used in very extreme cases. And when a mother uses certain family planning devices and in spite of that she becomes pregnant that may be called a failure of family planning devices. But if a mother conceives a female foetus, why should that be

considered a failure of the family planning method, that is what I am unable to understand. It is only when the mother bears a female foetus it is said that the family planning device has, failed. This is not so if, in case, the foetus is a male foetus. And therefore I think that the question of democratic right or of choice in parenthood does not arise here at all. It cannot be a democratic right to decide not to have a child simply because it is female. It is merely a submission to prejudice.

The third argument that is used is that the advance of research in medical sphere should not be curtailed. Again, Sir, I would like to point out that here no one is speaking of curtailing research, but only of regulating the purpose for which it is used. And research particularly in the medical field is not just for its own sake. It is meant for the benefit of mankind and if it goes in the opposite direction, if it takes away the right of the female child to live, then of course, giving an excuse in the name of advancing medical research is not enough.

Therefore, all these arguments are based in false logic. Appeals are made to the weakness and the prejudice of would-be parents, a certain prejudice which is ingrained in society. And, therefore, a Central Act in double necessary. Sir, I will now end by making certain points about the amendments which I have to offer to this Bill.

There are two ranges of tests by which the sex of the foetus may be identified. Of course, these are overlapping. There are one set to tests which are carried out primarily for the detection of genetic defects and abnormalities in foetus like amniocentesis, chorion Villi Biopsy, foetoscopy and others.

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When these genetic tests are carried out, the sex of the child also may be detected incidentally.

There is a second range of tests which may be used for a whole range of other purposes not only on pregnant women but also on others. Of these ultra-sonography is the most well-known and the most widespread of these methods and this is sometimes used on pregnant women to determine the size or position of foetus in pregnant women and incidentally again, the sex of the child can also be detected.

In the course of our discussions in the Joint Committee, we found out that as yet the number of trained genetic specialists in our country is relatively small.

The Central Committee report mentions that some specialists have set-up well-equipped genetic clinics but I believe that these clinics can be counted on one's fingers only. There are very few trained geneticists in our country and, particularly courses in genetic sciences are not available in most of the medical colleges and institutes so far. Anyway, these tests are prescribed for pregnant women, only in a specific number of cases. All women do not have to go through these tests. It is only a limited number of women with certain specific problems who are prescribed these tests and, therefore, the proliferation of genetic units is neither possible in our country nor is it necessary because the genetic tests that are required can be held in the public sector medical colleges and hospitals and at the most, in some of the apex institutions where these small number of specialists have set up the equipment. Therefore, in my amendment

I have suggested that these genetic tests should be confined to the public sector, perhaps with some relaxation for a few apex institutions which are run by some of the acknowledged genetic specialists. If the private sector is allowed into this, in spite of the licensing system, this spilling over of genetic tests in the private sector is likely to create a proliferation of clinics where there would be sub-standard or spurious tests which are very likely to happen. As a matter of fact, the Central Committee in its report also said – although it did not rule out private practitioners from getting approval for genetic centres, laboratories and clinics – yet they had also in the report said that the Government should review this matter five years after the legislation is enacted, to see whether the licensed institutions in the private sector deserve to continue with activities or whether any change in policy is necessary in order to restrict the activities only to the Government.

They are saying that you should allow the private sector to set up clinics and then, after five years, if you find that the private sector clinics are not keeping up to the standard, in that case, bring it back to the Government sector. I am saying in my amendment that you should start from the other end; start with the Government sector, start with the public sector. Then, if you find that more clinics are needed, more specialists are needed, then, in the next four to five years, give such specialist training, open such courses in medical colleges and hospitals and after a number of qualified geneticists have appeared on the scene, then only you should open it up to the private sector. Why should it be opened up to the private sector when there are not sufficient number of geneticists available? As I said earlier, this is likely to create a proliferation of genetic units and

laboratories which, in spite of being spurious and substandard, would try to get the licence from the licensing authorities by hook or by crook. We know that private sector clinics are doing pathological tests. But how many of these pathological tests are authentic? We know that we have the Drug Controller's Office. And, yet, spurious and substandard drugs abound in our country. So, where the situation is like that, it seems to me safer to keep these tests confined to the public sector with some apex institutions also being allowed, at least initially.

I am now nearing to the end. This is the first amendment that I have suggested. The other amendment that I have suggested is that the equipments including the ultra-sonography equipment – which are used for various kinds of tests not only on pregnant women but also on others – are to be registered. It would, of course, be impossible and undesirable to keep it confined to the public sector alone. However, the function of the licensing authorities may be simplified by registering clinics which have such machine, that is, the ultra-sonography machine. Please register such clinics. That is what the licensing authority should do.

Now, I come to monitoring what is happening in these clinics. Monitoring should be done on the basis of the records of these tests conducted on pregnant women, which these clinics would be required to keep. So, these clinics will have ultra-sonography machines. All these clinics will be registered and they will have to keep a record of the tests conducted on them. Then only the licensing machinery, the monitoring machinery can be much simplified and I think it can work much more effectively. So, this is the other important amendment that I have

suggested. If these amendments are not accepted, I feel that there would be a kind of a compromise by the Government with the very strong lobby that exists within the medical profession, people who are trying to set up these clinics everywhere, in every alley and in every by-lane. They are setting up these clinics. There will be no way out. Just by licensing them, you cannot prevent them from doing whatever they want to do. Therefore, I request the Government earnestly not to make any compromise on this issue and not to give in to this very strong lobby of medical practitioners who are only thinking of the profits they can make out of this sex detection and female foeticide.

There is another amendment that I have suggested that in the Act, women also come to be penalised. The pregnant woman, the woman who has gone through these tests and foeticide comes to be penalised. In fact, we find that in our country most often women have very little choice as far as their own procreative life is concerned.

More often, they have to yield to the pressure of their family, the pressure of society, the pressure of the people around them. Therefore, if women are penalised for undergoing this sex determination test or for foeticide, that would mean double punishment for them – pressure from their family on the one hand and then penalty from the Government on the other. The very fact that this Bill has to be brought to Parliament reveals the hideous face of the prejudice of society acted upon by the unbridled greed of some medical practitioners. A girl is condemned as useless and as a burden even before she is born and she is got rid of. I, therefore, wish the Bill success and because I wish the Bill success, I earnestly request the

[Shrimati Malini Bhattacharya]

Minister to accept the amendment that I have proposed.

SHRI D. VENKATESHWARA RAO (Bapatla): Mr. Deputy-Speaker, Sir, I rise to support the Bill, that is, the Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Bill, 1991. The Government took a long time to introduce this Bill and to make it an enactment. This is basically to stop the female foeticide programme that is going on in the country. As the hon. Members have expressed, this is not only because of the imbalance that is going to take place between male and female ratio but this is also much concerned with the dignity and respect of the women as a whole. This pre-natal diagnostic techniques, the so-called ultra-sonography, the analysis of amniotic fluid, chorionic Villi, blood or any tissue of a pregnant woman is made mainly to direct some genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases. Such kind of diseases, such kind of abnormalities should be detected by this kind of technique. But it is being misused to detect the sex during the early pregnancy and, in turn, it is turning out to be used for female foeticide activity.

As the hon. Member was mentioning, there are arguments or there is a kind of residence to stop this kind of enactment from various quarters saying that it is like a kind of family planning programme or a democratic right for the individual to express his desire to have a small family or something like that. On the other hand, the arguments are very baseless and some of these doctors or medical professionals are also against this Bill for various reasons. Here when

certain procedural aspects are mentioned in the medical profession ethically for the purpose of detecting certain diseases, these kinds of procedures are misused for the female foeticide activity and in turn people are benefiting themselves with a lot of money, by misusing this procedure.

In this Bill so many things have been put like the registration of the genetic counselling and laboratories and establishment of Central Supervisory Board. For violating these conditions there are punishments like imprisonment and fine. Before introducing this kind of a Bill, one should take care to see that a wide publicity is given so that people around and those who are practising will come to know about this. They will take care of the whole situation and control themselves. As our colleagues were suggesting, while registering for this kind of facilities, the licencing process should be simplified. The other measure that should be taken is to give a wide publicity for this kind of a Bill.

With these points I support the Bill, from my side and from my party side, that has been introduced here.

DR. K.D. JESWANI (Kheda): I thank you very much for giving me an opportunity to share my views on the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991. Just like the Bill on Organs Transplantation, this is also a Bill which has been ill-fated. It has been hanging in both the Houses for the last three or four years. In the Lok Sabha itself it has been tossing from session to session.

The Bill was first introduced in the Lok Sabha on 12.9.1991. It was referred back to a Joint Committee of both the

Houses on 16.9.1991. The report was submitted on 16.12.1992. Since then the Bill was pending to appear in the Lok Sabha. Meanwhile we have lost a precious time of about sixteen months for this important Bill to be passed by the Lok Sabha.

However, better late than never, I certainly welcome the provisions of the Bill except for some of the reservations which I have of my own. I have something to say about the slack and sadist attitude of the Government to the scientific advancements taking place in the country. The Government is not able to perceive the right perspective of the marching age and the advancement of science. This has happened on more than one occasion when some of the scientific Bills on the medical subject are brought before the Parliament.

In our country the pre-natal diagnostic techniques have been in vogue for more than tow decades. By now there are a variety of modalities which are in vogue and they are meant for pre-natal diagnostic techniques. Most of these techniques are used for the sex determination and a few are only used for the intrauterine status of the foetus. All this has been going on before the eyes of the administration and the Government. In fact, when the MTP Act was introduced in 1971 and the embryonic death was legalised, the medical fraternity brought home the techniques of pre-natal intrauterine sex determination on the criminal demands of the society. Of course the MTP Act was introduced in the madness to curb the rising population, but it was an unfortunate after that the administration and the society did not realise the diversion of the method to the criminalisation in the form of female foeticide. In other parts of the world, in many of the advanced countries, this

type of population control method is never employed on the society. This went on for almost two decades by which time it has deeply eroded the actual structure and the fabric of the society. It has assumed a mammoth shape and even the illiterate masses are in possession of a through knowledge of the availability of these techniques, which is the most unfortunate part of the whole game.

Because of this provision there has been rise in the number of sex determination centres all over India. I would give you some of the alarming statistics which are really shocking. 75,000 female foetuses were destroyed in the country between 1978 and 1982. I am giving you some of the authentic figures. All of them were destroyed using the amniocentesis test. According to a study conducted in 1986, 84 percent of the gynaecologists interviewed were found using amniocentesis for sex determination in Bombay itself. They performed on an average 270 sex determination tests per month. 2400 sex determination tests were conducted in Baroda city itself in the year 1987. The population of the city is nearly around 14 to 15 lakhs. Sex determination clinics in Delhi performed an average of 11,100 tests in the year 1988 alone. According to newspaper reports, in 1988 the estimated toll of female foetuses in Gujarat, that is my State, is unfortunately 41,000. Between 250 and 350 sex determination tests are conducted daily in the State of Gujarat. This is the ill effect and a deep rooted effect which is inhumanly characterised by the society during the last two decades.

Several sociologists consider female foeticide to be a continuation of female infanticide. Scientific development have only transferred the elimination of the girl child from the born to unborn stage. The

[Shri K.D. Jeswani]

sex determination tests are a powerful example of what can happen when modern technology colludes with the forces of a traditional society.

14.59 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

For more than a decade, activists of women groups have been demanding a national legislation to ban the use of these pernicious tests for sex determination. Sex selective abortions are illegal because they violate articles 14 and 15 of the Indian Constitution which forbid discrimination against women. It is argued that easy recourse to sex determination tests will reinforce prejudice against female children and further lower the status of women. To begin with, the Constitution guarantee equal rights to men and women. Also it is the fundamental duty of men, under article 51 (a) of our Constitution, to renounce the practices derogatory to the dignity of women. This has been the status in the country so far. In spite of having a full knowledge of the whole gamut, the Government has not paid any serious attention to the problem for such a long period of time. Now if you enact any formula or rules and regulations, the people are going to find out sufficient loopholes which will break the actual fabric of the law because they have been practising it for such a long time of two decades.

15.00 hrs.

Without involving the society and without creating a substantial awareness, only the enactment of the law cannot suffice the requirement and it cannot control the whole affair. Even in the format of the present Bill, only one sentence in clause 16, sub-section (iii),

has been introduced for the public awareness against the female foeticide. There is no definite programme which has been chalked out for the public awareness. Actually, this is the main factor which is necessary to abandon all the misuses of these tests.

Rest of the whole Bill is occupied by the description of different punitive measures. This is not going to take you in the right direction. A definite programme for public awareness needs to be chalked out which should be taken down to the masses. The Government should formulate a definitive programme and launch a vigorous drive for the public awareness. Too many of punitive measures would scare the medical and para-medical personnel. And ultimately, they might, by and large, abandon to take the advantages and advances of the medical science. The medical personnel might go for a guarded practice as they did while the Organ Transplantation Bill was in vogue. It will again be futile for the further progress of the medical science in the country. The Government should take care of this aspect too.

There is still a lot of scope of escapism and avoidance of the law. For example, ultrasonography is a wider field which contributes a lot for the pre-natal diagnostic procedures. Since it is a non-invasive techniques, it is very frequently used for the diagnostic and prognostic purposes. Even otherwise, that is the reason why I would like the hon. Minister to add a small clause. Clauses 6 (a) and (b) are there. I would request the hon. Minister to add one more clause, that is, '6(c)':

"that no person shall conduct or cause to be conducted any sonography and report the findings which may hit at the male or female sex positively or negatively."



I am a medical man. I know where the loopholes are in the medical terminology when somebody can say that my report is scientific. This is because the sonography might report in his conclusion of the USG findings as the presence of a ascrotal shadow.

Now it is absolutely a normal finding in the hands of a sonologist which you cannot refute nor can you challenge it in the court of law. When we are going to enact this law, we have to take care of these minute scientific advancements and loopholes in the scientific terminology. It is taken as a routine finding by a sonologist. But ultimately, it will mean the sex of the foetus.

Under clause 23, you have imposed rigorous punishment for the women who are defaulters. Now this is quite unconvincing. As earlier mentioned by some of our hon. Members, I do agree that a majority of womenfolk – about 70 percent - are illiterates and it takes a long span of time by which the law of the land reaches their knowledge. I see a great danger in the provisions of the punitive measures meant for these women. I would request the hon. Minister to take into consideration this point also.

The Bill has a provision of various administrative formalities to govern the whole aspect of this issue. But these provisions should not be left alone on the papers and these should be properly administered.

The main aspect is that of the periodical review by the Central Supervisory Board as has been provided in clauses 7 to 16. I would say particularly the five provisions regarding the functions of the Board mentioned in clause 16 should be adhered to properly.

The appropriate authorities should work efficiently and honestly, which may

justify the cause of this Bill. Then and then alone, the legislation of the offences and the penalties provided in Section 22 will have some purpose. With these few cautions and suggestions, I would request the hon. Minister to include some of the points that I have mentioned in my narration.

Thank you Sir for giving me an opportunity.

DR. KARTIKESWAR PATRA (Balasore): Hon. Chairman Sir, I am very much grateful to you for calling me to participate in the debate. I support this Bill.

Though I am not a medical man, I had the opportunity to be nominated as a member of the joint Committee. Sir, our Committee discussed the Bill threadbare. This Bill was brought before the House on 12 September 1991 and it was referred to the joint Committee on 16 September 1991. The Report of the Committee was presented on 22 December 1992. The Joint Committee submitted its report nearly after one year, after very detailed deliberations. Sir, there was an expectation that this type of a Bill should have come before the House a decade back. But it could not be brought earlier. Now that the Bill is before the House, I request all the Members to support it because it has been brought before the house only after a detailed and thorough discussion on the pros and cons of the Bill out of 16 Members of the joint Committee, 13 are of the opinion that this Bill should be pressed for being passed in this House.

Why I am requesting all the hon. Members to support this Bill is because of the findings of the joint Committee. The joint Committee did not leave any of the points and it did consider all aspects in great detail. Now three hon.

[Dr. Kartikeswar Patra]

Members of the joint Committee had given a note of dissent. I would like to make a request to them that they should consider the fact that all the issues had been discussed in 18 sittings of the joint Committee where all the pros and cons had been taken into account. That is why they should support the Bill. Vigorous efforts were made by the joint Committee through the press and other media to elicit public opinion on a large scale throughout the country and I would like to submit here that the Committee had received memoranda from 304 members. The Joint Committee had also visited some organisations to find out their views and also about their style of functioning. 25 non-official organisations also appeared before the Committee and gave evidence. On the basis of their evidence and suggestions, the Joint Committee took certain decisions. The committee finally brought 48 amendments to various clauses of the Bill. Here you can find the motto or aim of this Bill which has been clearly mentioned in the Bill. The aim of the Bill is prevention of misuse and regulation of pre-natal diagnostic techniques.

This diagnostic technique has been misused throughout the country because a female child is considered to be a burden on the society. That is the thinking of a large number of couples in our country and that is why we have a large number of female foeticide.

The main object of the Bill is to protect the misuse of pre-natal diagnostic techniques. Here you will see that the penalty clause has also been very clearly dispelled. The Committee has amended the sub-Clause to provide that even any agent on behalf of the Centre, Laboratory

or a clinic shall be bound by these provisions. The Committee is also of the opinion that even those who print such an advertisement material should also be punished. Accordingly, the Committee has provided a new sub-Clause 2 to this Clause and Committee feel that instead of person 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 provisions of this Bill. The Committee did not even leave the husband who are involved in foeticide. The Clause provides that the court shall presume unless the contrary is proved that the pregnant women 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 Section (3) of Section 23.

The Committee has also taken into consideration as to how the Advisory Committee will be formed, what will be the ratio of representation between States and the Centre and how many technical persons will be represented in that advisory committee. All that has been taken into consideration. In the original Bill wherever there were lacunae, those have been rectified. I think that the Bill in its present form is very useful for the people of our country. After considering the pros and cons of the Bill these amendments were made. These amendments have been properly considered by all the Members of the Joint Committee. Out of 16 Members of the Joint Committee, 13 Members have approved the amendments and the Report of the Joint Committee has been considered by hon. Health Minister. Since the longstanding expectation of the Members to bring this Bill before the House has been fulfilled, I request all the

Members to support this Bill and it should be passed by this august House.

[Translation]

SHRIMATI GIRIJA DEVI (Maharaj Ganj): Mr. Chairman, Sir, I rise to support the Pre-natal Diagnostic Technique (Regulation and Prevention of Misuse) Bill. If we look into the general outlook of our society, it depicts an ironical situation. There is no country in the world other than ours where women were given freedom, responsibility and rights for such a long time. However, it is unfortunate that after birth, female infants, young girls and women are exploited a lot, and their plight goes on from widowhood till death. They are deprived of their right to live as widows, rather they are burnt alive; and all this is being done even in this country itself. At the same time, the status of woman is glorified; she is symbolised as goddess. It is said that heaven is found in the lap of mother. There comes a time when we worship girls and ironically this is the same country where we are leading in female foeticide in this century.

The progress of any society is judged by the freedom given to women and the status they enjoy in the society. But not to talk of freedom to women. The reservation proposed to be provided to them in order to enable them to play a significant role in Panchayat and other institutions under 73rd Amendment has been restricted to only 33 percent. Our population is 50 percent against which we have been provided just 33 percent reservation. for which everybody was grateful to the Government. So far as initiatives taken with regard to the contribution of women is concerned in playing decisive role in the development of the nation, I would like to submit that

some women had accepted in a magazine published about two weeks ago in Selam district that they would rather like to kill their daughters. This is the pathetic situation in our barbarous society. There are so many reasons *i.e.* social, economic and religious. I do not intend to pass sarcastic remarks on any particular religion. I do believe that religion is nothing but worshipping, the mother land; it is the creation of traditions and cultural heritage, religion is nothing more than that. If it was not so, women would not have been insulted everywhere irrespective of any particular religion.

In comparison to the man-woman ratio of 1000 : 991 in 1901, the census of 1990 reveals that the difference in the ratio has increased to 1000: 910.

Female infanticides have been taking place. The more technical development took place, the more cruelty has been committed to the female infants. Earlier, the underlying factors of female infanticide in Rajasthan, Tamil Nadu etc. were social and economic. But today, the motives behind them are different. The more development and progress we are making in the field of science and technology, the more degraded our attitude is towards women.

We developed genetic technology with a motive to prevent genetic diseases and also to detect hereditary or metabolic deformities or characteristic dissimilarity or a few unborn and sex deformities. This technology was development to detect whether the mental and physical development of the unborn child is normal or not whether the unborn child is handicapped. However, instead of using it for creative purposes started misusing it to detect the sex of the child; thus leading to the widespread practice of

[Shrimati Girija Devi]

committing foeticide if the unborn child is female.

One of the hon. members from Gujarat was referring just now to the survey conducted in 1986. Female foeticides in lakhs take place in big cities of India like Bombay and Delhi. There are several other datas which cannot be collected and included in the statistics. I would like the discussion to be extended a little more. This infection has reached even the most backward areas thus leading to disproportion in the sex ratio. When enquired, it was revealed that people particularly those having adequate financial resources approached even distant medical centres to get treatment to this effect and get the female foetus removed through advanced genetic technology.

Sir, after a long time this Bill has been passed in Maharashtra, Haryana and Rajasthan. The Central Government also propose to pass it now in 1994 after a long wait since 1991. However, realising that it is better late than never I would like to express my gratitude for introducing the Bill. I also support it. We will have to make provisions against the social, economic and religious factors underlying the wide spread practice of female foeticide, we will have to propagate the matter. Keeping in view the importance given to it in the Bill, it is the joint responsibility of all of us to make all out efforts and provide our co-operation in the prevention of this evil. Unless we take the initiative to this effect the wide spread practice of female foeticide would not be checked and our hard labour during the last several years would go waste.

Many hon. Members are of the opinion that the clinics having

sophisticated genetic technology and conducting genetic tests should be banned. However, the clean and healthy atmosphere of our society demand that not only the present generations but also future generations should enjoy the benefits of the advancement made in the field of science and technology so that the coming generations are protected from physical and mental deformities. That is why the existence of clinics equipped with most sophisticated genetic technology is essential. However, it is only if the restrictions proposed in the Bill are enforced strictly, that the motive of the Bill would be realised.

Sir, it is said that MRTTP Bill is associated with this Bill due to which this Bill was passed in 1991. The introduction of MRTTP Bill has always been a matter of objection. If we do not propagate this Bill separately, we would never be able to achieve our motive.

It had been due to the excesses committed to women that they conceived on the other hand there had been women who gave birth to many children or disabled children due to inadequate gap between their deliveries. In both these cases either it was the unmarried girl or the mothers of many children who had to suffer physical torture. If MRTTP Act is included into the Bill, we would not be able to achieve our motive.

We do agree to whatever provisions have been made in this Bill. However, it appears to me that when this law is implemented people would find out other alternatives. Therefore we would have to be cautious and take stringent measures for the implementation of the Bill, only then we would achieve the targets.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Chairman, Sir, I thank you for giving me time to speak on this Bill.

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991, dates back to 1991 but we are discussing it in 1994. It took a long time to introduce this Bill and it has been returned by the Select Committee. I support this Bill in its entirety.

The first and the foremost point is, that the women have been at the top in our country. Goddess Saraswati symbolises education, Goddess Lakshmi symbolises wealth and goddess Durga and goddess Kali symbolise annihilators of enemies and fighting battles respectively. But in the feudal system, the place of women was relegated to a backward place and many restrictions were imposed on them and their rights were being infringed. This Bill makes one realize that the standard of maternity facilities has really gone down. Even today in 80 percent villages deliveries of children are not done by doctors or nurses. The midwives deliver the children in villages. If you compare the data of such delivery cases with those done in hospitals you will find that the number of mortality rate of mother and child is more in hospital than in villages. But even now, be it the State Government or the Central Government, nobody has given any attention to those women who do not have proper maternity facilities and nor has any arrangement been made for them. I am telling you about Bihar, women were imparted such training but in spite of giving such training, no financial arrangement was made for them and they are still working in villages. I would like to make a submission to the Central Government that these women are in no way less than doctors and trained nurses. They are efficiently doing their work and the number of mortality rate of mother-child is also less. The

newly born children are found perfectly normal. That is why, the Central Government should consider their plight and make a provision for them so that they could earn a decent livelihood. Our colleague has just mentioned that sophisticated techniques are being resorted to by people to ascertain the sex of the foetus. This is mainly being done by the middle class and the upper class. The people belonging to the lower class are unable to avail such facilities. Such facilities are only meant for those who have wealth and who are well-settled in life. Only those people resort to such killings. Such techniques are to be resorted to, to find out whether the unborn child is healthy or not or whether he has developed some disability or whether the foetus is developing well etc. but it is being resorted to, for exactly opposite reasons. These techniques are used to ascertain the sex of the foetus and if it is a female then it is killed. This Technique is being resorted to every now and then. The reasons behind it are not financial ones but because it is in vogue. The status of a female child is lower than that of a male child and it gets proved when the male child is kept and the female one is killed. The evil of dowry can also be a factor. The practice of dowry is more prevalent in the lower middle class and the upper class. Most of the people resort to these techniques to find out the sex of the unborn child and if it is a female child, they get it killed to save themselves from giving dowry. We must do something to do away with such evil practices in society. The dowry system is also responsible to a larger extent for the lower status of women. The attention of the Government will have to be drawn to this fact also that those anti-social works should not be undertaken which are against humanity. The Government must consider this aspect.

[Shri Ramashray Prasad Singh]

It is correct that you have made provision for punishment also but there may still be women who are ignorant of such provisions and who get pressurised by their husbands in doing so. They are not to be blamed for this. But we ask you that why is it so that they will be punished without any fault. The women who already have one or two female children fall low in the eyes of their husband. This practice of female infanticide is not prevalent in the lower class. We have seen that the lower class families do not kill their female children even if the number of their female children is more than two whereas the upper class families get the unborn female child killed. The society is riddled with such proclivities. If you do not properly implement this recently enacted law then its purpose will get defeated. On many an occasion laws have been enacted with a view to curb child labour, but you have not been able to do that. There is a provision for punishment in that but the law was not properly implemented. I wonder how will this law be implemented because the women are getting their foetuses aborted after getting ascertained the sex of the child. I want to know as to how this law can be implemented?

I would be honest in saying that the Members of all the parties have supported this law that shows that it is a good law but it should be implemented also. It has been done to cure diseases, it should not prove to be a malady itself. It should be resorted to, to detect certain deformities only and not for termination of pregnancy. Because as a result thereof, the women are dying or they are becoming weak and falling prey to diseases. The girls also get adversely affected by such tendencies in the society. With these words, I conclude.

SHRI DAU DAYAL JOSHI (Kota):  
Mr. Chairman, Sir, it is the misfortune of my country that though Indian Saints had highlighted the importance of women but during the intervening period her status in society took a nose-dive. How had it happened? Why were they treated with disrespect in this period? Our Rishis had maintained that—

*"Yatra naryastu poojyante, ramante tatra devta."*

I am of the opinion that this decline in the status of women was probably due to their being treated as an object of sexual pleasure during the period when we were enslaved and perpetration of excesses on them during Moghul period.

After the Moghul period British dictators also viewed women in the same manner. I remember this period of history. We had a great strength of character in Shivaji, when Marathas brought a 16 year old girl alongwith the loot and offered Shivaji to make her his queen, Shivaji was overwhelmed by her innocent beauty and wished that her mother had the same kind of beauty because, as he said, that the girl was like his mother. He ordered the Marathas to safely drop the girl at her place.

Sir, a different kind of example is that of Allouddin Khilji who had come to conquer Chittore. When he heard about the beauty of Padmini he became obsessed with the idea of possessing her and forgot all about the battle. But when he could not get her, he longed to have at least a glance of her beauty. When he saw her reflection in the mirror he became more obsessed and started the battle. But Padmini alongwith other 14 thousand queens immolated herself. I would like to mention that there has never been a single incident in Indian culture of showing disrespect to women.

If at all anybody has insulted women, it was in Mughal period. The Woman has been insulted by today's modernism. This Bill has been introduced here late. The date furnished by Shri Jeswaniji are shocking. The date show the number of female children being killed. Shrimati Girija ji has also mentioned that the number of males is increasing as compared to females. It is a matter of concern that today there are 1000 men against every 910 women.

The hon. Minister has been postponing this Bill for a long time. But now I would like to thank him that ultimately he has introduced this Bill in the House.

This Bill is very good but even now there are many draw backs in it. It needs to be reviewed. For example, a provision has been made for imposing a fine of Rs. 10,000 against a doctor whereas the fees of the test is Rs. 10,000. However, there is also a provision for 3 years imprisonment in this regard. I request that in order to make this law more stringent. The amount of the fine should be raised and the period of the imprisonment should also be increased to 5 years. Moreover the people should not be deprived of the other benefits of ultrasonography.

Advertisements have also been banned. Through this Bill Private clinics should also be banned. Certain essential tests should be allowed in the Government hospitals and medical colleges. Such tests should also be allowed in good private hospitals as Escort and others. Similarly the Committee appointed for this purpose has visited many States in India and submitted its recommendations. My submission is that all those recommendations should be implemented. Rajasthan is very advanced in this regard.

The Government proposes to provide 30 percent reservation of seats for women under electoral reforms, but this Bill has already been passed in Rajasthan two years back. Similarly the Government proposes to introduce one more Bill which envisages the disqualification of the membership of the Legislative Assembly and Parliament in case of those members having more than two children. But in Rajasthan such Bill has been passed one and a half years back in which it has been provided that a person having more than two children will not be able to contest the elections of municipalities and Gram Panchayats and similarly the membership of Member having more than two children during their Tenure as members will also be lost. Thus, Rajasthan is much advanced in this respect.

Lastly, I would like to mention only this much regarding this Bill that although the introduction of the Bill has been delayed yet it is better late than never and I hope it will do good for the country and ultimately will help in improving the alarming situation in respect of the ever falling number of women in the society. It requires to adopt more sensitive attitude to the women. With these words I conclude.

DR. GIRIJA VYAS (Udaipur): Mr. Chairman, Sir, through you, first of all I would like to congratulate the Ministry and Shri Dau Dayal Joshi as well. It is better late than never. We should have introduced this Bill much earlier. I was enroute to Parliament and as soon as the driver turned the radio on, the song 'madad mangti hai yah Radha ki beti, Yashoda ki beti aur jubeda ki beti' was being aired on it. It made me to think that these 'daughters' existed in the past and today those girls are seeking help who are often killed before taking birth.

[Dr. Girija Vyas]

I met two or three hon. Lady Members before coming here. They told me that situation has worsened to such an extent that a woman can get rid of her female child in the womb in any small clinic after paying a paltry amount of Rs. 50 only. I do not support fully what Shri Dau Dayal Joshi told just now. It is stated in 'Upanishads' that 'Yatra naryastu pujayante tatra ramante devata'. But I would like to remind you that this is a country where Sita was banished and stigmatized. It is a country where Ahilya was forced to be metamorphosed into a rock.

Our country is called the country of Panchalika and Draupadi was forced to denude. Our society is not changing according to times but the condition of women as well as children has been worsening with the passage of time. The region in Rajasthan from which I hail has been famous for many women of repute. If in the history of Mewar the names of women like Meera, Durgawati, Padmini and Karnavati who have shown their skills, are excluded then nothing is left in the history. There has been the region in Rajasthan where female children were killed under the cot soon after their birth. The female children were killed because the parents wanted to avoid the sufferings they had to go through during searching for a suitable bridegroom and managing huge dowry. I, therefore, understand their pain and I hail from the area where the Rūpmati incident took place some years ago. Taking this into consideration some women organisations raised their voices against it and I would like to thank the Government of Rajasthan which had taken initiatives in this regard and held it up till the Bill was passed by the Centre. I consider this Bill important because for the first time it has elucidated

certain definitions. I am thankful to those who have tried to distinguish between genetic council centre, genetic clinic and genetic laboratory. In chapter three, it has been stated clearly as to under what circumstances and regarding what diseases these tests can be carried out. The Sixth part of the fourth column of chapter three reads:

[English]

"any other abnormalities or diseases as may be specified by the Central Supervising Board."

[Translation]

Here I would like to submit that there will be sufficient scope for misusing the word 'any other'. I do not want that this be made more specific. Clause-Sixth says that no sex-determination will be allowed in a genetic council centre, genetic Laboratory or a genetic clinic. It has been given the legal force. Whenever the issue of formulating law regarding women is proposed, we are a bit scared. This country has formulated a number of laws. I would like to congratulate the hon. Prime Minister who has provided 33 percent reservation to the women in the political field. Prior to this law there had been many other laws for social, cultural, political and economic upliftment of women. But laws are not implemented properly. The women folk fear whether this law will be successfully implemented or not.

There are three factors required for the proper implementation of a law. First, the law should be stringent, secondly, the administration should be strict and thirdly the participation of people in implementing the law. It has specifically been mentioned in it that no kind of test for sex-



determination will be allowed. Besides, law enforcing provisions have also been made that anybody found guilty of violating the law will be prosecuted. In order to implement a stringent law a sensitive and strict administration is also essential. In this regard I would like to suggest that in consultation with the State Government the Central Government should set up a cell where the women can lodge their complaints. Since the time I have assumed the office of the chairperson of women congress I have found that....

**SHRI HARI KISHORE SINGH**  
(Sheohar): From that very period atrocities on women have increased and its reason is best known to her alone.

**DR. GIRIJA VYAS** : I have endeavoured to make the society aware of those atrocities. I am happy that you have become sensitive to those atrocities and started raising voice against them. On this occasion I remember a complete:

"Abhi tewar Kahan badle hai inke

Abhi apna daur inkalab ka hai

Abhi tapish hai, abhi sahara hai

Abhi daur kahan gulab gulabi ka".

We are now in the course of revolution. I want to suggest this because after the cell is set up, women can appeal there as I am still not very sure about the setting up of such a cell. I, therefore, urge the Government to review it and try to make the law more stringent.

The sensitiveness in the administration is also a must. I would like to give an example from my region, Mewar. Under the law nobody could cut a tree but the felling of trees continued. On seeing this, a gentleman, named

Sajjan Singh practised something different. The junior ruler of Salumbar got the trees cut. He was summoned by the Maharaja in this connection. When he met the Maharaja he found that from toe to head the Maharaja was covered with bandages. When he asked the Maharaja, "what happened" he was told that there was nothing special but Maharaja was feeling hurt due to the felling of trees by him. I want that the administration should also develop such sensitiveness. Therefore, such a cell should be set up where they may be able to appeal.

The third thing is the participation of people in this drive. Unless awareness is created among women and women organisations come forward, nothing substantial will be achieved. I remember the saying of Tulsidas "dhol, ganwar, shudra, pashu aur nari". He further added "na mohe nari na rupah". I, totally opposed the view expressed in the first line of Tulsidas here. But I fully agree with the second line. It is really a fact that a woman is an enemy of woman. Even today you will find that the person who takes a woman to a clinic is none but a woman of close relation like her mother-in-law, sister-in-law or a sister. But I am sure that the time when women start realizing that the female foetus belongs to their own species then only this evil practice will come to a stop. I, therefore, appeal to all of you to help the Government in creating awareness among women. I would like to submit to the Government also that merely the formulation of a stringent law will not serve the purpose. The strict administration and the participation of Government and the people is also needed in this respect.

**SHRI HARCHAND SINGH (Ropar)**:  
The population has grown too much.

[*Translation*]

DR. GIRIJA VYAS: Have you ever thought about the population which has increased enormously? Just now Girija Devi Ji had stated that the male female ratio has come down to 1000 : 910 children. I point out one thing that in future 50 percent people will have to remain unmarried like me.

Sir, as far as the question of stern laws are concerned, I am thankful to the Ministry, since it has made an effort in this regard but by providing merely 5 to 50 thousand rupees, it will not serve the purpose. Such a person should be sent to jail in any case. The duration of imprisonment can be increased to several years in that case. Besides it, the registration of institutions will be cancelled. I think that both these things should be adopted simultaneously. As I have said "Nari Na Mohe Navi Ka Roopa", So when we are heading towards 21st century we must get rid of such psychology. I have said one more thing that the women belong to one caste but they are opposing the other caste but such a tendency will be an end to this gender. In that case the woman, who thinks in terms of killing her before her birth, should be punished. I have seen at various places, where sex tests were carried out before enacting this law, that it has taken two shapes. On one hand become a fashion and on the other hand it has become a custom. As fashion some educated women claim that they have carried out the sex test and they will not give birth to a female child and as a custom they go with their mother, mother-in-law and the sister-in-law for the sex test and get from the female foetus before it takes birth. If she is a partner in killing the female child then she should also be kept in jail. As I have said that before birth of child she prays

that if she gives birth, God knows in which form she will serve the humanity.

There is one more thing that women are guided by their husband or relatives and in that case the law will have to be stern enough. Last year's data show that 1100 women died during sex tests. You know that if any lady has to carry out abortion two or three times in a year, it would certainly deteriorate her health. Alongwith this abominable custom there are many other custom also which have attached to it. These will be automatically stopped after the passing of this Bill. Dowry is a major fashion these days. If a female child takes birth and she gets all the rights of an individual, she will herself fight against dowry but an awareness should be brought therefor. Such sort of awareness should brought that the female child who takes birth will neither give or take dowry in future. This bill should not remain on papers only. It should be passed in each State. I think that after implementation the Union Government will take action on it.

Sir, I am coming to the last point that the registered doctors do not have recognised sex centres and the Ministry has some doubts in this regard, therefore, something should be done in this direction. This Bill was the demand of the time but it has been brought very late even then I come to the point that this Bill will maintain the dignity of the women and it will generate the feeling of individuality among them and the female child which was killed earlier, will be given birth to knock the doors of the 21st century. With these words, I support the Bill.

**16.00 hrs.**

SHRIMATI SUMITRA MAHAJAN  
(Indore): Mr. Chairman, Sir, I rise to

support the Bill, brought here today. But during the discussion which is going on here, we should not treat women as different from ourselves and a commodity. Many examples have been cited here and sometimes it was treated as a Goddess and sometimes she was treated as a slave but that woman has been repeating from time immemorial that she should neither be treated as Goddess or a slave, but she should be considered as a human being. Both the man and the woman have some right and duties. She is not altogether a different thing but a part of this society. Today, when this Bill is going to take the shape of a law, I would like to submit that the process of social justice is taking place here and we are going to provide social justice. It was necessary for several years. Today, I think that while we are heading towards 21st Century, why such psychology has generated? Why the practice of foeticide is increasing? The incidents like Jalgaon case and the rape incident of Madhya Pradesh in which it was said that the compensation was given twice and happening and we opposed these but even then such things are going on. Such trend is developing among the people that they are saying that it should not be discussed now. The dignity of woman is being degraded in one way or the other in Jalgaon incident. My submission is that why such incidents are happening? Why the dignity of man is not being degraded. All this was happening in your city and you could not protect them. Somewhere you are responsible for it. Why not the man in that city are feeling ashamed off. Why such tendency towards women in the society is growing? Before bringing this Bill, a discussion was held here and a committee was formed I was a member of that committee and we had.

16.03 hrs.

[SHRIMATI SANTOSH CHOWDHARY *in the  
Chair*]

visited several places and held discussions with many people and many social institutions and thereafter submitted the report of this committee. It is also a fact that merely enacting the law will not bear any fruits. When the process of enacting the law goes on, it is the gift of the human brain that it starts finding out the loopholes of the law and renders the law totally ineffective.

Madam Chairman, while we were discussing about it in Bombay, a famous gynaecologist, who runs a major genetic centre informed us that the law should be enacted but banning the test will not serve any purpose. The tests are carried out for one reason or the other such as to check the abnormality in the child, the heridity diseases and the side effects of a medicine on the woman etc. but it is difficult to say that these tests will not be carried out to know the sex of the foetus. Medical science is so much advance today that in foreign countries researches are being done to determine the sex of the foetus through a blood test only. For this purpose there is no need to all to approach a genetic centre. It may take 10-20 years when such facility will reach in our country but it is possible. Therefore, it is necessary to curb such tendency the foeticide should be considered as murder. Just now an example has been cited that after each 1000 males, there are only 900 or 950 females. My submission is that we should take it as the killing of a person and we are closing the doors of the world for the child. This right has not been given to us by anyone but we are enjoying it, openly and in this way we are heading

[Shrimati Sumitra Mahajan]

towards satanism. We should consider it in this perspective. Therefore, from the point of social justice, this Bill is important and there is a need of social awareness. Therefore, this committee has envisaged a Central Supervisory Board, which will not only give timely advice but it will also prepare schemes to launch social awareness campaigns.

When this law was enacted in some other States also, and we observed the situation there, we came to know that this law was enacted in Maharashtra some 3-4 years back, the people as well as the social organisations are aware there, but even after 4-5 years not a single case has been proved and not a single person was punished under this law.

This is the position in regard to implementation of this law. That is why, I had said in the beginning that once a Bill becomes Law, the people start finding loopholes in it. The second hitch is that the Chairman or Chief of the Advisory Board of the State is a Government officer and he does not have time for calling the meeting of the Advisory Board. When the problems like foeticide comes before him, he does not have time to get them investigated properly. Even after enactment of a law, the system remains ineffective. Therefore, even if we make provision for rigorous punishment, none will be able to get punishment. It was also suggested that there is no necessity to constitute an Advisory Board and make a Government official its Chairman, I would say that if we would amend the provision that instead of a Government official, a member of any social institution or any social worker or a doctor becomes the Chairman of this Board then it can function with its full strength.

Today, when we have made this law, the provision regarding punishment contained therein are in the right direction. While talking to social institutions on the question of awarding punishment, it becomes clear that in case a person instigates a woman for committing a crime, the needle of suspicion, first of all points towards the husband. Therefore, before awarding punishment to anyone, we will have to think of her husband that if he has a hand in instigating his wife to go for abortion. It is only at the end that we should think of the woman because no woman would like to commit such a crime. If there is a tumour in our body, we have to undergo a lot of pain while taking it out. But it is a question of a living being. Therefore, no woman or mother would like to part with a living being from her body. It may never happen. In this connection, I talked to the women in many social institutions, where many men were also present. All were of a unanimous view that while making a provision in regard to award of punishment, no woman should be punished and it should be thought only at the end because there may be one or two percent women who can go to such an extent. However, I would say that as per our social misconception, it is generally seen that even in an educated family a pressure is put on the woman from the very day of conception that the male child should take birth in their house. Everybody would expect a grandson or son but I have never heard anyone to say that a female child should take birth. Though, many homes need a girl, yet nobody likes to happen this.

I mean to say that from the very first day, a severe mental pressure is put on the woman. It is my view that if a woman wants that she would not go for a second or third female child, such a woman should also not be given punishment.

It is seen that such cases are not reported in big genetic centres. There are several research centres where I got an opportunity to visit. I was told whenever a case is referred to their centre and a test is carried out to find out the abnormalities, they never tell about the sex of the foetus. It is even not mentioned in the case file. They showed us many case files also. I also got an opportunity to visit Bombay Hospital. There, we were also shown several case files. They also told me that though they can immediately detect the sex yet they do not record it in the case file. These type of cases are generally reported from the small genetic centres located in the lanes of a city. Recently, we talked about imposing restrictions on such advertisement because only the doctors having their clinics in the lanes of a city are responsible for this act. The proposal moved by Dauji in regard to imprisonment is a good step because a fine of Rs. 10,000 is just equal to nothing. If a culprit even after paying a fine of Rs. 10,000 is lawfully let off, this step is also good because again he become free to earn Rs. 50,000 by adopting the same method. Therefore, there must be a provision for imprisonment for a period of one or two months or otherwise. Simultaneously, it should also be provided therein to cancel the registration of such clinics.

To me, this Bill appears to be a good one because this Bill has been brought before the House for discussion after a number of days of submission of the Committee's Report. Now, it will become a law but it would effective only when it is understood in the right perspective. The scientific researches carried out in our country can on the one hand, be utilized properly and on the other hand, it can be used for making lethal weapons. Now the question is how can it be utilized? It all depends on the

wisdom and culture of a mankind. Today, the need is to think over it in the right perspective so that socially, we may get better result in future. If we could implement this law properly, it would be helpful in building a better society.

Madam Chairman, I know that it is not possible that if this law is enacted today, such type of centres will be closed tomorrow or the cases of foeticide will stop. But it would help in creating a mental awareness among people and the society will prepare itself to desist from such acts. Those people, who indulge in such acts will be overawed by the fear and they will be constrained to think over it once again. If the Bill leaves this much of impact in the minds of the people, I would think that we have moved a little forward toward our goal.

Madam Chairman, as has been said just how that there is a fear among the men about giving 33 percent reservation to the women. They think that if this proposal is implemented, there will be women at every level. However, it should not happen. I have myself observed that when we talk about giving 33 percent reservation to women in the House, we discuss this issue reluctantly and think that the women will dominate the men and they will be seen at every position. I am not talking of an individual. I am talking of the whole society. That is why, I have said that women too are a part of the society. Women should also get the rights which are being enjoyed by the men. In other words, the woman should be viewed equal to men.

I welcome this Bill from the core of my heart.

SHRI GEORGE FERNANDES  
(Muzaffarpur): Madam, Chairman, I do

[Shri George Fernanades]

not know how far this Bill will help in resolving this problem. However, I agree that ultimately it is a question of psyche. There has not been any dearth of laws in our country regarding protection of women but we have not been able to make a law which could change the psyche of a man. Some Members have apprehended that how far it would create a new awareness but there are other Member who are hopeful of good result. In continuation of this chain of opinion, I would also like to express my views.

Madam Chairman, though the process of changing the psyche of mankind have been going on for a long time yet instead of achieving success, we are retrogressing. The dowry deaths are not declining. Rather, their numbers are increasing. On the other hand, the cases of rape and atrocities on women are also on the rise. Even the birth of a girl child in a family has become a curse. We do not see any change in the psyche of mankind. There are many evidences of such acts. Though as per the official data, the rate of literacy among women is increasing every decade, yet the factual position remains unchanged. If there has been rise in the literacy rate of women, the rate of literacy among men has also increased proportionately. Now, the difference remains the same. Therefore, we should find out the reply of the basic question on which we are deliberating upon in this House. I agree that it is not only an outrage which a woman has to free but she is a victim of other oppressions also. In a way, it is an oppression on the whole society because when the mankind tries to do away with the law of nature the injustice is not only done to the women but the whole society. The nature has build the society. Neither any big political leader nor a great man

has a contribution in it. We have been seeing that the increase in population from village to district level, from district to state level, from state to national level and from nation to world level is almost in equal proportion. We have started different methods to do away with this law of nature but how will this Bill be able to counter this?

I have got a report of 1991 census with me. Commenting on sex-ratio, the report submitted by the Census Commissioner says:

[English]

"The reason for the general disparity in the sex ratio and the declining trend over the years need further examination, Studies made so far have offered several explanations for this phenomenon in the past. Some of them are preference for male children resulting in neglect of female babies."

[Translation]

The Government will come out with a legislation to check the cases of foeticide but the document to the Government of India says that in a quest for a male child, female child is treated so badly that she dies before attaining the age of even five years.

[English]

"The relative gap in the health conditions between males and females and certain types of moralities which are sex selective, the adverse sex ratio is also due to lower expectation of life at birth for females in the past compared to males. Part of which

is due to high maternal mortality. It is, however, difficult to pinpoint any particular reason for the declining sex ratio which requires a detailed analysis."

[Translation]

This report was submitted four years back but then no analysis has been done. Has any study been undertaken by the Government to find out the reasons or has any institution taken steps in the direction of finding any solution? One horrible thing which comes to my notice from the census report is that the process of decrease in the population of women started after independence. If the Government has gone into it then I would like to ask the Government to especially ascertain the circumstances due to which downward trend in the population of women in comparison to men started after independence. The data of nine decades *i.e.* from 1901 to 1991 are in this Census Report, 1991. According to them in June 1901, the states were not in its present form whereas the districts and villages were there. However, taking into account the present position of a state alongwith its districts and villages, the Census Commission has submitted the figures from 1901 census onwards. According to the figures, in 1901 the population of women was more in nine provinces. Similarly, the population of women in 1911 was more in 10 states; in 1921, 11 states and in 1931, 9 states. Further, in the pre-independence census in 1941, the population of women was more in 9 states. The country became independent in 1947. Again, a census was conducted. In 1951, the population of women was more in nine states. In 1961, the figures came down to 8 states; in 1971, 3 states and in 1981, 2 states. As per 1991

census, Kerala is the only state where the population of women exceeds men. There is 1040:1042 ratio between men and women. The chain of decrease started after independence. The figure indicate that no check is being exercised on this downward trend. Rather the situation has deteriorated. Therefore, in this regard, I would only like to say that the advice of inquiry given by the Census Commission to the Government should be accepted. The Government should do away this kind of oppression being meted out to women in this country and initiate special efforts from its side.

With these words, I support this Bill.

16.29 hrs.

ADJOURNMENT MOTION RE:  
ALARMING SITUATION IN  
ASSAM

[English]

SHRI CHANDRA JEET YADAV  
(Azamgarh): I beg to move:

"That the House do now adjourn."

[Translation]

Madam, Chairperson, through this Adjournment Motion I would like to draw the attention of the House towards the sad incident of Barapeta district of Assam, which took place two days earlier. It is a matter of great concern for the whole country. I would like to say that it is a serious matter and should be taken seriously by the House.

Madam, the border areas of our country are inhabited mostly by tribals or such people live, who lead a very hard life in hilly areas and forests. They had been deprived of all the facilities meant