

From our BJP side though some hon. Members are there, it would have been still better if their leaders were present. I would appeal that it is high time when, from the religious point of view, from the economic point of view and from the legal point of view, a new situation has to be created. We know that reforms are needed. I would say, why not the ladies be allowed to perform *shradh* and why not the ladies be allowed to go to the burning *ghats* and also lit the pyres, the *mukhagni* etc. Why do we prefer a male child? It is because of so many things. After all, we are a religious society and whether we may call, progressive and all those things, these things come to our minds, such as, who is there after our death to perform *shradh* and who will lit our pyres in the burning *ghats*. This way, in all spheres, all men and women should be treated at par and should be treated equally.

I congratulate the Government for this Bill which has come before this House. It should have been brought much earlier. Anyway, the Government should take care of the implementation of these provisions with due participation of the voluntary organizations and the people at large both in letter and spirit.

With these words, I lend full support to this Bill.

MR. SPEAKER: The House stands adjourned to meet again at 2 p.m.

13.01 hrs.

*The Lok Sabha then adjourned for Lunch
till Fourteen of the Clock.*

14.09 hrs.

*The Lok Sabha Re-Assembled after
Lunch at Nine Minutes past Fourteen of
the Clock.*

[MR. TARA SINGH *in the Chair*]

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

**As reported by the Joint
Committee - Contd.**

[*Translation*]

MR. CHAIRMAN: Shrimati Saroj Dubey.

SHRIMATI SAROJ DUBEY (Allahabad): Mr. Chairman, Sir, I thank you for giving me the time to speak. I rise to fully support this important Bill. This Bill should have been introduced long back, because the Joint Committee had presented its report long ago. However, long delay has been witnessed in introducing the Bill. In the meantime a number of female foeticide might have taken place. It is difficult to indulge into guess work in this regard. Even now conspiracies are being hatched to terminate pregnancies in cases it is found that foetus is female. Widespread use of latest equipment and pre-natal diagnostic techniques has become quite torturous for women. Earlier it was painfully difficult to kill girls, but latest techniques have made it easier. Now-a-days newspapers and magazines carry advertisements inviting couples for pre-natal investigations and if female child is there in the womb then pregnancy could be terminated. This way conspiracy to kill girls during pregnancy is on. Many female child pregnancies are being terminated. This Bill to stop sex determination is very

[Shrimati Saroj Dubey]

good. Strict implementation can only check medical termination of pregnancies.

Termination of pregnancies gives us the feeling that medical fraternity and couples are secretly hand in glove to stop female children from coming into the world. In every small or big town in the country such private clinics have mushroomed. Doctors at these clinics are responsible for termination of pregnancies and it seems in the present social and economic scenario our traditional values of love, affection generosity and kind heartedness are losing ground i.e. vanishing.

Doctor before embarking on the path of health care swear to protect human lives and use their talent to free the humanity of sufferings. Sadly, the Doctors are also doing fraud with their profession by indulging in such nefarious acts. This is the reason for the present state of imbalance in our society. Number of women is declining day by day. In 1901 sex-ratio was 972 : 1000 and it declined to 934 : 1000 in 1981 and further declined to 927 : 1000 in 1991. In some districts in Punjab and Haryana sex ratio is just 869 : 1000. If this way sex ratio continues to decline then imbalances will increase Non-reduction in decline in atrocities on girls i.e. after birth atrocities, will increase their sufferings and cases of rape, violence and kidnapping will further increase. Women organisations have raised hue and cry against termination of pregnancies after sex determination tests confirm about girl child. The Government of Rajasthan has done a laudable task to ban sex-determination tests. Haryana has also banned sex determination tests. The Government of Maharashtra was the first to ban these tests by enacting laws. However, sadly no case of prosecution of

any person or institution during the last few years was reported to the Joint Committee, during its visit to Maharashtra, though laws are there and appropriate authority is also there. Even in Maharashtra such incident continue to occur. Though laws in this regard have been enacted in Maharashtra yet in the neighbouring Gujarat such inhuman incidents are taking place. Mere enacting of laws will not solve the problem. Laws are to be strictly implemented and leaving the matter to the State Governments will not serve the desired purpose. Strict national laws should be there, where in provision for stringent penal actions are incorporated. If stringent laws are there then people will fear to indulge in such nefarious things. The Committee during the tour of Maharashtra was informed that with the appropriate authority set up even the persons running the institutions engaged in such things are associated as members.

In this way, every day the cases of foeticide are reported. It may not be so that this Bill meet the same fate. The purpose with which we are fighting against this menace is not served. Our struggle for safeguarding the entity of women would go into waste. As the things are not going according to rule, it is necessary that this law should be implemented in every State.

Mr. Chairman, Sir, Uttar Pradesh is the largest populated State. Recently, an advertisement appeared to this effect that clinical facilities are available to know about the sex foetus. Get yourself examined and have a male child. Thus, women are invited through such advertisements to undergo pre-natal sex determination test. This kind of a practice is not proper. On the one hand, the women is regarded as the incarnation of Goddess but on the other hand, she has

to take the permission of the man to give birth to a female child which in violation of the law of nature. The women cannot give birth to a child without the consent of her husband. If it is detected that there is a female child, that is not allowed to take birth. As you know very well that even when this technique was not developed, the female children were used to be killed after birth in Rajasthan. But in this case, the child is killed before taking birth. It is a matter of great concern. A committee, of which I was also a member, visited a village of Rajasthan. There, we were told that in that village not a single wedding party had come till then because the female children are killed after taking birth. Now 47 years have passed since we got independence but this is happening in the absence of any effective law. In our Constitution, men and women enjoy equal rights but today that right is also being reduced to shreds. Under the garb of this law, the money is being minted. Some small and big private institutions are also minting money with the help of Ultra-Sound and Sonography machines. They give false reports in the name of tests and thus the woman opts for abortion. In this case also, the woman is held responsible that she takes the initiative. Even today, she has no freedom to have a child of her choice because there is always a pressure on her from her mother-in-law, sister-in-law and husband. She is directed to bear only male child and otherwise forced to opt for abortion on their wish. To keep a check on this kind of lawlessness, the need of such a Bill was felt very much. Though it has been brought forward late, yet we welcome it.

Mr. Chairman, Sir, when we think that the women should come forward to work with men successfully they are unable to do so because on the one hand, the law is made therefor but on the other

hand, no law is made for their development. There is a place in Tamil Nadu, where such a custom is in vogue that the female child is not allowed to take birth. When B.B.C. reported this matter that in what barbaric manner this crime is being committed, the Government became alert. However, due to the fear of superstition and customs, no step was taken to keep a vigil on such acts. Now the question arises is why is it happening? Why the female child and the women is being discriminated against? We will have to counter this kind of social approach and the psyche. Today, the girls are considered as a burden. Due to the fear of dowry system, the family members feel disappointed on the birth of a female child. Even in hospitals, the nurses and midwives do not ask for a tip for a female child. In villages, on the birth of a male child the guns are fired. While on the birth of a female child, cracked metallic plates are beaten. We will have to take some steps to remove this type of evils. It has been said in the scriptures of the Hindus - "Yatra Nari Pujyante, Ramantey Tatra Devata". On the one hand, in our society, the woman is considered as Goddess, Laxmi and Annapurna whereas on the other hand, the female child is killed during the pregnancy. She is considered an object of sexual pleasure. This is a wrong concept. She should also be given a right to live as a human being.

Vask Muni has said - "Duhita Duhita Durey Hita Bhavati". It means - one should remain away from women because she is the root of all evils. We shall have to take revolutionary steps to change such a thinking. In this effort, all social organisations will have to be brought together. Further, we will also have to distribute good literatures and organise seminars to preserve the dignity of the woman in our society. Unless, there

[Shrimati Saroj Dubey]

is improvement at social, economical and educational level, this law will not serve any purpose. Sometimes, it is apprehended that this legislation may also remain in the file like other legislations. Therefore, the Government must show its strong will power and take effective steps. This law will prove effective only when some concrete steps are taken to check foeticide and make women socially and economically self-reliant.

Mr. Chairman, Sir, I am hopeful that this Bill bring a new ray of hope to the women. It is also hoped that the Government, with the help of voluntary organisations and by changing the social thinking of the people, will make provisions for rigorous imprisonment and heavy penalty on the people indulging in such crimes. Further, it will help in imposing restrictions on wrong-doers and the purpose, with which this Bill has been brought forward, will be fully served.

I would once again support this Bill and say that we would succeed in our efforts.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Chairman, due to the tragic death of two of my colleagues, I could not move my amendments. I was not in a position to do so. But Shrimati Malini Bhattacharya has given those amendments which were common to us.

The first question that has been raised by many here is the question of delay from 1991 to 1994. All that I can request now is that for Heaven's sake, please do not delay the President's

assent. Today, the Bill will be passed; and get the President's assent quickly.

Secondly, as Shrimati Maliniji said already, we want the acts of sex determination to be in the hands of the Government institutions because otherwise, we are afraid that we would not be in a position to control the proliferation of such institutions which are so many now.

Thirdly, we also want the registering of the ultrasonic equipments. Since ultrasonic equipments are used for various reasons like detection, etc., we cannot say that you can totally ban the use of ultrasonic tests. But, we say that ultrasonic equipments should be registered so that the committees which are to go into these things, can keep an eye and monitor those institutions.

Another point is this. In the Medical Termination of Pregnancy Act, in the case of contraceptive failure, it has been allowed that person may go in for the termination of pregnancy. I am afraid that under this subterfuge, many many female foeticide will be there. So, my submission is that the termination of pregnancy due to contraceptive failure which is allowed in the other Bill should be amended suitably; otherwise, this will create another big problem for monitoring.

I am not in a position to speak even for a long time. So, my last point would be on awareness, as is rightly said by all of us here. I am very sorry to say this about today's position. I do not know about yesterday's situation. Today, when they took up this Bill, it took such a long time for getting quorum. Even now, you may look at the benches. How many are present? What awareness do we expect from ourselves? Are we all aware ourselves? Are all the Parliament

Members aware of this? Can they lead this?

Therefore, I would say that only the passing of the Bill not do any good, though we welcome the passing of the Bill because 'something is better than nothing'. But, it is a complicated affair; very great awareness and proper monitoring will be needed for this. I hope, the Parliament will give its own attention towards it. Thank you, Mr. Chairman.

[Translation]

DR. G. L. KANAUIA (Kheri):

Mr. Chairman, Sir, I thank you for giving me an opportunity to speak on this important Bill. However through this Bill, we will be able to learn many things on this subject. It is not only India but the whole world is anxious about the outcome of this Bill. In this regard, our women organisations are equally anxious. However, this Bill should have been brought earlier.

There are some apprehensions over this Bill. Though there is a fear of imbalance in the ratio of women and men yet socially, there is a need to pay attention on the point that how it would be implemented effectively. In regard to the cases of infanticide, I would like to put my views on the basis of my 37 years experience. I know that in India, boys are preferred over girls. Here the thinking of a family is such that if a female child is born, the family continues to flourish and if a female child is born, the members of the family have to go with folded hands to the doors of the others. I have myself seen in Uttar Pradesh and some parts of Madhya Pradesh that some female children are killed after birth so that they do not have to go to the homes of other. In my clinic, many alive female babies used to take birth. But, when I used to

take a round in the next morning, I was surprised to hear from them that the female baby was born dead. It is not happening these days only but it was been continuing for centuries. I fully agree with the views of the Member who has spoken before me. However, it is ironical that in our society, the mother-in-laws motivates her daughter-in-law to opt for such a test. In this way, one woman conspires against another woman. I do not understand that when such an act is considered an oppression on a woman, then why do women come forward in such misdeeds?

Therefore, I would like to inform the House that mere enactment of law will do nothing because when this Bill was not there, the abortions were also being done but then the root cause was different. At that time, one used to go for abortion under certain compulsions. The parents used to indulge in such acts when they had a fear that their daughter has conceived illegally or something wrong has happened. However, today it has taken a form of business, about which much has already been said in this House.

When I was myself involved in the work of family planning, I saw that the family, in which there were only girls, did not opt for family planning until it had a male child. I also saw that the family in which there were 5-6 girls, used to wait for the birth of a male child and thereafter, opt for family planning. In my opinion, it is a social evil, which we are trying to do away with through this Bill. Unless we create awareness among the people and make them understand its importance, they will not be able to know its objective. The Bill which has been brought forward in this House is incomplete in many aspects. In this Bill, the provision for punitive punishment is very less. Earlier,

[Dr. G. L. Kanaujia]

the position was different. There were certain reasons for undergoing abortion. These may be — mother suffering from some dreaded disease and not in a position to give birth to the child, a heart patient, not mentally fit or deformity in foetus. At that time also, it used to be considered appropriate to go for abortion under the advice of the doctors. Although it was legal at that time and it is so now also, yet the way these determination tests are being carried out these days are beyond our comprehension. If these tests are done for some scientific advantage, to eradicate the disease or to remove the pain, it is understandable but the manner in which it is being misused, its only solution is to cancel the licence of the guilty doctors. In this connection, a committee should also be constituted but it should not be centralised. Rather, it should be decentralised so that wherever such cases are reported, the guilty person could get the punishment and others may learn a lesson from this.

However, in this Bill, many points have been covered but I am not able to understand that how it would be implemented? Unless laws of the states are amended, the custom of giving property right only to the son is changed and women is given the right to run the family, we will not be able to implement it effectively. Though it is a good Bill, yet it is incomplete. I would like to convey to the House my this feeling that in this Bill, there should be a provision for deterrent punishment.

It is written in the Bill that such diagnostic work will only be done by a recognised institution. But since I have become a Member of Parliament, I have been seeing how medical department functions. Earlier, I have been Director

General, Health Services, Uttar Pradesh for 37 years, about 12-14 thousand doctors used to work under me. I know, there are many structural defects. In this regard, we had also discussed this issue in the committee meetings, I.C.M.R. seminars and other meeting of Human Resource Development but so far, I have not seen any possibility of improvement in these defects. I have a doubt over the intention of the Government to make some improvements because until they come out of the Administrative clutches, one cannot expect any improvement.

Our hon. Minister Shri Shankaranand is a very experienced person. He has been a minister for a long time but he is trapped in such a net from where it is difficult to come out. Now, the issue of diagnosis has come up. I am just giving you a suggestion. They would do what their I.A.S. officers say. I would like to ask them that what are the reasons for the Head of the Department, the Director General, Medical Health Services working as 'acting' for years? I would like to ask on the floor of this House that which Chief Secretary or Secretary has been functioning as 'acting' till date? Is not the Director General, ICMR Dr. Satyawati who was selected formally six months ago, working as 'acting'? It is all because of the dominance of I.A.S. I am afraid that this Bill may somehow get lost under their trap. It has also not been recalled that when were the recommendations of the Selection Committee on this subject received? Unless a provision for punitive action is made in this Bill and the doctor, who indulge in such acts is punished and simultaneously, his/her M.B.B.S., MS or FRCS degrees are confiscated, this Bill would not serve any purpose.

Mr. Chairman, Sir, the second point is awareness. We spend a lot of money on public awareness. Here, the point is to

give the right of a boy to a girl. I would request my women Members of Parliament to look into this aspect also. I do not understand the logic why do a women commit atrocities on another women? It is India and not a foreign country. I have toured all over the world by road. I have got the degrees of MBBS, MS and FRCS. I have been in foreign countries for 14 years. I know that the woman of India is very forebearing and sensitive. No other woman of the world has such qualities. The Indian woman is ready to tolerate such atrocity on her but why is it so? The bride which is burned today becomes the mother-in-law tomorrow and she also burns her daughter-in-law. I do not understand this logic.

Mr. Chairman, Sir, through you, I would request that unless the Government makes its intention clear about making improvements in the medical department by sitting and discussing together, the things will not improve. It is not that Shri Shankar has become the Minister and he will drink everything. He should try to become like Shankarji. I would request the hon. Minister that the Bill, which he has moved, is worth appreciating and thanking. I fully support it. I hope that this Bill would be passed unanimously.

The whole House appreciate it but to implement it, you will have to think about some punitive action also. Otherwise, this will not become effective. I would also request him to end the corruption prevalent in the medical profession and ensure that such diagnostic works are done only by recognised centres.

Mr. Chairman, Sir, it has been proposed to register the nursing homes. How many to them have been registered

so far? Who go there? The people do not go in Government hospitals because they have to fulfil the demands of the staff, nurses, doctors, consultants, compounders and superintendents etc. While, people prefer to go to a nursing home because there only one person's wish has to be fulfilled. We should think over this peacefully. The Government will have to exercise check over this cadre and bring improvement in this profession. Today it is completely spoiled. Unless, you intend to improve it, there will not be any improvement. The condition of AIIMS, Dr. R.M.L. Hospital, G.B. Pant Hospital and Safdarjung Hospital is very unsatisfactory. The Government must look into it.

With these words, I thank you.

[English]

SHRI R. NAIDU RAMASAMY (Periyakulam): Mr. Chairman, Sir, I thank you very much for providing me this opportunity to speak on the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991, as reported by the Joint Committee.

Sir, I am very sorry to say that the Government has proceeded to lay down a legislative policy without adequately preparing a background of a social structure to support and sustain it. Poverty is still rampant in the country under successive regimes of Congress at the Centre. The successive Congress Governments at the Centre have also with vested interests saw to it that the poor are kept poorer and the illiterate particularly women are kept illiterate. These failures have contributed to a social structure dominated by evils afflicting the women in the country.

Sir, there are three areas in the Bill. One is ban on sex determination tests.

[Shri R. Naidu Ramasamy]

This is dealt with in Clause 6 of the Bill. The second is about regulation of the use of the pre-natal diagnostic techniques for uses other than sex determination. Clauses 4 and 5 of the Bill deal with these provisions. The third is about the creation of an administrative structure to support the regulatory provisions. Rest of the provisions of the Bill deal with this third area.

It would thus be seen, Sir, that only one provision and the corresponding penal provision in the Bill relate to the major thrust of the policy. The rest of the provisions digress from the focus of the issue. Female foeticide, neglect of female children, sexual inferiority imposed upon women by the community and consequent ill-effects have not been adequately dealt with by this Bill.

The emphasis of the Bill on the other hand is on the registration etc., of the genetic centres and other such matters which do remotely have some nexus with banning of sex determination tests. The women of the country are least worried how the Government regulates the functioning of the centres which make available the facilities of pre-natal diagnostic techniques. There is a Medical Court which may be empowered to provide for these matters by issue of appropriate regulations. The anxiety with which the Government has sought to provide for these matters also does not stand testimony to the honesty of the Government to tackle female foeticide on an exclusive footing.

There is lack of appreciation on the part of the Government to the basic fact that female foeticide is not caused only by sex determination tests. How many villages in India have the facility of sex

determination? In rural India, these facilities are not available. By the time these facilities come to villages, female foeticide would no more be practised in the village because these facilities mean development and in those villages where these facilities have come, poverty and accompanied social oppression of women would no more be there.

Sir, in this connection, I would like to highlight with great pride the achievements of the hon. Chief Minister of Tamil Nadu in tackling female foeticide. She is the forerunner in this country for sowing the seeds of an egalitarian society which sufficiently offers a basic ground work for obliterating the evil practice of female foeticide.

MR. CHAIRMAN: Please do not read from the papers. You must put forward your points. You will not be able to read all your papers within the prescribed time limit.

SHRI R. NAIDU RAMASAMY: The hon. Minister of Tamil Nadu had started Cradle Babies Scheme. If the mothers could not bring up their female children, the State Government themselves adopt those female children by giving all the facilities for them.

The State Government of Tamil Nadu had started Police Stations exclusively managed by women. In India, only in Tamil Nadu it had been started.

Therefore, Sir, what is essential is that the Government must strive to create social structure which supports the Government's policy against female foeticide. Mere banning of sex determination tests will not help. To check this effectively, apart from creating the necessary social structure, the Government must punish those who

commit and aid in committing foeticide, female or male, stringently.

Sir, the modern medical centres are not the only centres for sex determination. Women in the household are experts in determining the sex of the child by observing the behaviour of pregnant mothers. Most of these women are living in rural India. The Government must, therefore, be aware that the proposed law would be scuttled in rural India unless the target group for punishment is precisely identified.

Despite these, I welcome the measure in principle but I demand that the Minister must look into all my arguments for amplifying the law and weed out unwanted provisions so that the proposed law acquires teeth to tackle the social menace of female foeticide.

[Translation]

MR. CHAIRMAN: It is not a subject to be debated by old people but this subject is relating to young generation.

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Chairman, Sir, I rise to support this Bill. The recent debates on prevalent traditions regarding discrimination between man and woman is not a new thing for our society. In olden times, there was matriarchy society during the primitive era, later on it changed into women-ruled society and thus this discrimination between man and woman continued to be followed in the name of castes, religions, customs and traditions. All these traditions were prevalent in our society where women were considered inferior to men.

It is a long and old historical story of our country. Merely bringing a Bill will not change the attitude of the society. My

several friends have pointed out that Bill is not sufficient but I would like to say that something is better than nothing. We should move towards betterment of the society. I know about a person of my own village who has eleven daughters but he had refused to adopt family planning methods in the hope of a son. I also know about a person who was very religious and throughout his life he regularly carried 'Kanwars' to a place, famous in Bihar to worship God 'Shiva'. But he did not beget a son. So these are the customs. I will not say that Congress Government should hurt the feelings and custom of people. But it is the primary responsibility of the Government to remove the bad customs of the society whether they are prevalent in any town and states of the country. It is the responsibility of all the progressive powers in the society who are fighting for the cause of humanity and dignity of mankind.

Soviet Union is now no more in existence but I know that Soviet Union had not only enacted laws for equal rights for man and woman but also practised it. I do not know as to whether the capitalist society today is striving for providing equal rights to men and women or exploiting them. Today with the achievements of science, some doctors are not working for progress of mankind but are working against the ethics of medical science. Now doctors are minting money by pre-natal sex determination of the female foetus, which is highly condemnable. By enacting the law in this regard, social and voluntary organisations which are working for the cause of women, should be encouraged. But Government is not taking any action in this regard.

Just now Shri Shankaranandji has shed some light on the proposed actions

[Shri Kamla Mishra Mudhukar]

of the Government in this regard. I would like to ask whether the Govt. is going to enact the law or take some concrete action in this regard or not? This feeling should be created among the male members of the society because being a male-dominated society they think that son will be given right to property. Different communities practise different customs. I am supporting this Bill and would like to say that this feeling should be created among the people of the country by way of a movement by voluntary organisations. Female foeticide should not be permitted. Several laws have been enacted in the country but without animation and participation of people that have failed to create the desired effect. So enlightenment of people in this regard is essential. My colleague Geeta Mukherjee and some other Members have suggested that Committees should be set up to implement this law by making it a mass movement. It should be taken to village and at the grassroot level. Our laws have provisions for stringent punishment for offences but these are not implemented properly. Parliament is going to discuss the sugar scam. Although there are so many laws enacted to check such type of offences, yet many scams are taking place in the regime of this Government. Only enacting the laws will not serve the purpose, their proper implementation is also very essential. There is a need for social movement for creating awareness among the people. The suggestions given by me and the Member from BJP who is also a doctor, are very good. So these should be considered and included in the Bill. The period of conviction should also be increased. This Bill can effectively achieve its objectives only when these suggestions will be considered thoroughly.

With these words, while supporting the Bill I conclude.

PROF. RASA SINGH RAWAT (Ajmer): Mr. Chairman, Sir, many things have been said about this Bill. I whole heartedly welcome this Bill. This Bill reveals misuses of scientific inventions in our country now-a-days because this invention was invented for knowing any deformation in foetus. Sant Vinobaji had said that Science is our feet but enlightenment is our eyes. Feet can move us further at the path of progress but eyes are also necessary to show the way. This scientific invention is very useful in itself but by its misuse, doctors are encouraging foeticide and it has become a curse for the society. That is why Vinobaji had said that enlightenment is our eyes. It has also been said in Vedas that "Yatra nari punayante, remante tatra devta" means that angels live at places, where women are worshipped. In the same way it has been said - "Matre devo bhav" which means that Mother is like an angel, as mother frames and develops the character of the child. But today female foetus are being destroyed because of social customs and superstitions which stigmatise the whole society. A social movement should be launched for removal of this sin from the society. Today doctors are working contrary to the ethics of their profession for minting money. They are taking advantages of superstitions prevalent in the society and it is creating immorality.

Mr. Chairman, Sir, I request the Government for proper and effective implementation of the Bill presented by the Joint Committee. It is necessary to create social awareness among people for its efficient implementation, we use electronic media and newspapers for big advertisements but do not raise questions related to women's interests, their health and for creating social awareness among

them. There is a need for wide spread publicity for creating women consciousness and awareness in the society.

Mr. Chairman, Sir, the great leader of modern India, Maharishi Dayanand Saraswati was the first person who has shown his farsightedness and drawn the attention of the society that Vedas have given equal rights and status for man and woman both.

They said - "Vedoon ka hai yeh ailan-nar nari sab ek saman." Since primitive age, woman has been given an esteemed place in the society. We say "Radhe-Shyam", "Gauri-Shankar", "Sita-Ram". In other words Radha enjoys a place higher than Shyam; Gauri prior to Shankar and Sita prior to Ram. Similarly temples of Jagat Janani (the mother of the world) Jagadamba have been constructed at many places and she is given respect; through her, motherhood is given respect and the same motherhood is being ignored at its roots even before it can take birth. Medical termination of pregnancy is being resorted to.

Mr. Chairman, Sir, our perverted customs like 'Rasam pagari', things like 'Mritu-bhoj' and the saying that goes like, 'there is no salvation without a son and a person devoid of son shall go to hell after death' and the associated rituals like 'tarpan' and 'pind-dan' and 'who will kindle the pyre in the absence of a son' are responsible for creating this array of blind faiths.

15.00 hrs.

The question, "who will do the 'Karma-kanda' after me?" inspires the men and women to yearn for the birth of a male child. There is a need to wash off

this obsession and create awareness in the society. The provisions made in this law for punishment against foeticide are appropriate but they should also be implemented appropriately. The Government makes the laws. The people in a bid to violate them find out the lacunae and thus, the other way out. There is need to plug all those loopholes and create social awareness against this practice and also eradicate the blind faiths prevalent in the society. Such people professing medical practice who have opened clinics of sex determination of foetus are encouraging and abetting these traditional misbeliefs. There should be a social or professional boycott of such medical practitioners, and there should be a code of conduct for them so that such black sheep are condemned. The society recognises the view-point that a son is needed to carry forward the dynasty of his father. There is need to make such laws when we talk of social equality and equality of rights. There is also a need to change our approach. For this co-operation of social reformers and religious seers can be sought. Corruption and bribery renders many good laws redundant. This law should be protected from corrupt practices and implemented stringently in the right perspective and the society should be freed from the atrocities on women which will help the formation of a healthy society.

[English]

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR): Mr. Chairman, Sir, I am grateful to all the Members who have participated in the discussion on this Bill. Each one of them has supported this Bill. They have expressed some concern about some of the points in the Bill and they have given some suggestions also.

We have taken note of their suggestions and we will definitely look into them.

This Bill mainly relates to the recently developed scientific technique enabling pre-natal determination of sex of the foetus. This technique is useful in determining the genetic disorder and abnormalities of the foetus. From time to time, the women organisations and many other social organisations have expressed their concern about the misuse of this technique for female foeticide in our country. Many hon. Members have expressed their concern about the penal and other provisions of the law. There are adequate penal provisions in this Bill. There is a provision in this Bill that anybody can complain to the authorities and the authorities can take action on that complaint. If the medical practitioner is found guilty, they can forward that case to the respective Medical Council and that Medical Council can cancel his registration also.

Sir, India is a country of diversification. I come from the eastern region of our country. I do not know much about the religious techniques of our country. But since childhood I know that in our part of the country the *Durga puja* is observed as a national festival. The tradition of Goddess Durga is that at that time there was an evil force in the world and all the Gods and Goddesses prayed and created Goddess Durga to destroy this evil force. I am illustrating this because at that point of time also it was felt that the ultimate force was the mother, who can destroy all the evil. That is the belief in our religious teaching. It is there at the time of *Vedas* and upto now. But, at the same time, in our country, we are very much concerned about female foeticide.

We live in these two very extreme situations.

Definitely, any law passed by this legislation is a first step and it is not the final step. Many hon. Members have rightly said about creating awareness among the people. It has to be sincerely taken up by all the hon. Members in their respective constituencies, in their societies and in the States so that we can effectively face this problem. But just passing legislation or just providing some penal provision we cannot do much in eradicating this social evil of killing the girl child in the infancy and even before she was born. This social evil is there.

Many hon. Members have mentioned about the male-female ratio in our country. It is true that the gap is increasing though the social awareness is growing. If you go through the literacy percentage, it is also growing. But, at the same time, the gap between men and women ratio in our society is increasing. It is definitely an alarming situation for all of us. We have to collectively do something for this.

In this legislation — the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991 — it is elaborately explained as to what is allowed and what is not allowed. In Section 7 of the Bill there is mention of Central Supervisory Board under the chairmanship of the Central Health Minister. There will be representatives from lady Members of Parliament and there will be representatives from the voluntary organisations also. The Government believes that without the active cooperation of the voluntary organisations and all the Members it cannot be done. We are going to address ourselves to one of the greatest social evils of our society and that will not be possible without enlisting the support of

everybody, irrespective of their political affiliations and their social organisations. There are provisions here about the appropriate authority, the advisory committee etc. Many hon. Members have explained about the provisions that are there in this Bill. The Central Supervisory Board has a responsibility to chalk out some programme to create public awareness in our society so that this type of misdeed can be arrested and stopped in our society.

[Translation]

SHRI DAU DAYAL JOSHI (Kota): States alone can't enforce it whereas the number of their representatives is few only four.

SHRI PABAN SINGH GHATOWAR: There is a provision for Central Supervisory Board in this Bill. We have made an alternative provision of four people from States.

[English]

Four members are to be appointed by the Central Government by rotation to represent the State and Union Territory, two in the alphabetical order and two in the reverse alphabetical order.

[Translation]

This is the Central Advisory Board and every state will have a proper authority in that. State will be represented. Similarly voluntary organisations and women will be represented. Then Section 17 provides for the participation of the State. So, there is no difficulty in that.

[English]

There will be no difficulty in the representation of the State. The Central

Supervisory Board will do the job of monitoring the implementation. Its responsibility is also envisaged in the Bill. The responsibilities and functions of the Appropriate Authority and the Advisory Committee are also rightly envisaged in the Bill.

So, I think it is a good beginning as many Members have said. The implementation is not only the responsibility of the Government machinery. It has to be the responsibility of all of us. I think the first requirement for this is the creation of social awareness among the people against the practice of female foeticide which is very much prevalent in our society. We can quote many figures justifying one point or the other. But the fact remains that there is still a gap between the male and the female ratio. We have to arrest it. In this respect, I have to congratulate the State Government of Kerala, because this is the only State where the percentage of female is more than male percentage. If you divide them into rural and urban areas, the percentage of women in the rural areas is comparatively more than the percentage of women in the urban areas. This is also a fact of life.

Sir, I am very much thankful to all the hon. Members who have participated in the debate and I am very much thankful to the Members of the Joint Committee also who have taken a lot of trouble. They have considered about 304 representations from various organisations and they have taken oral evidence from many groups. They have visited some places also. They have deliberated this Bill and discussed elaborately in their 18 sittings of the Committee. Finally, I appeal to all the hon. Members to pass this Bill, as reported by the Joint Committee.

DR. K.D. JESWANI (Khedda): Mr. Chairman, Sir, I was one of the speakers

the hon. Minister been able to perceive this?

yesterday on this Bill. I would like to have some clarifications from the hon. Minister. I had raised one important technical point in Section 6. Section 6 of the Bill has two provisions, namely A and B and both of them are just equal. If you combine them both, it will be only one section. I had requested to add one more Section that there should be some check on the reports of the Sonologist, because if the Sonologist reports in a normal language that there is a presence of the scrotum, then that becomes a scientific report and no court can challenge it. So, you can add one more clause to this Section 6 as I have suggested that no person shall conduct or cause to be conducted any sonography and report the findings which may hit either the female or male sex positively or negatively. I do not know whether you have been able to perceive this technical terminology. But I would again request you to consult some of your technical advisors and try to include this. This is a very vital issue to which I am drawing your attention.

This will remove one of the loopholes in the medical terminology and also in the report of the Sonologists.

SHRI PABAN SINGH GHATOWAR: I am thankful to Dr. Jeswani for this. I understand sub-clauses (a) and (b) of clause 6 have adequately covered all these things. The Supervisory Board will be there and they will judge the impact of this Act. When it is required, definitely the Government will take note of it and consider the review of the Act. At this stage, I do not think that is necessary.

I request all of you to pass this Bill as reported by the Joint Committee.

DR. K.D. JESWANI: I have my own doubt. This is a very technical matter. Has

SHRI PABAN SINGH GHATOWAR: I have neither objected to any other provision, nor this provision also. But there is a technical difficulty here.

MR. CHAIRMAN: Under what procedure, you are asking this question. Please sit down.

The question is:

"That the Bill to provide for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide; and for matters connected therewith or incidental thereto, as reported by Joint Committee, be taken into consideration."

The Motion was adopted

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill.

Clause 2 - Definitions

SHRIMATI MALINI BHATTACHARYA (Jodhpur): I beg to move:

Page 2,—

for lines 6 to 14, substitute—

(c) "Genetic Unit" means a unit

attached to a Government hospital research institution or medical college for the purpose of providing Genetic Counselling to patients and for performing gynaecological and obstetric procedures for designated and specified tests as defined under clause (d) and (e) of this section;

(d) "designated tests" means any of the following pre-natal diagnostic tests, techniques, or procedures, namely:

- (i) amniocentesis;
- (ii) chorion Villi Biopsy;
- (iii) foetoscopy;
- (iv) any other test which the Government may by notification in the official gazette designate.

(e) "specified test" means any of the following pre-natal diagnostic tests, techniques, or procedures, namely:

- (i) any of the designed tests mentioned in sub-clause (i) to (iii) of clause (d) of this section;
- (ii) any other test notified as a designated test by the Government under sub-clause (iv) of clause (d) of this section;
- (iii) sonography; and
- (iv) any other test which the Government may by notification in the official gazette specify: (3)

I would seek the following clarifications from the Minister.

The medical colleges and hospitals in the public sector some years back used

to have these diagnostic tests and they also used to determine the sex of the foetus. Subsequently when it was found out that this sex determination test was misused for female foeticides, the public sector hospitals were forbidden to do sex determination along with the diagnostic tests. Following that, in Government and public sector medical colleges and hospitals, there has been no report of these tests being misused for sex determination. On the other hand, we find that when these tests which are forbidden for sex determination in the public sector, there was an unusual proliferation of private clinics which call themselves genetic clinics, genetic units and genetic laboratories which have proliferated, after this caution was taken in the public sector.

Therefore, I beg to submit that most of these genetic units, genetic laboratories which have sprung up were opened specifically for the purpose of misusing these diagnostic tests. Therefore, what is required is, very strong action should be taken against them and most of these should be closed down. That should be the efforts of the Government whereas, in the Bill, the Government has allowed private sector clinics to operate provided they have obtained licence from the appropriate authority. This does not answer the case at all, as one lady Member has said, in spite of the Bill being enacted in Maharashtra, even after that we find that in the private sector, these clinics are conducting these tests for sex determination.

And licensing alone will not answer the problem, and therefore, I have suggested that these genetic tests specifically, which I have called as 'designated tests' in my amendment, should be attached only to the public

[Shrimati Malini Bhattacharya]

had given a note of dissent and that is why we are pursuing it here.

sector. It should be taken out of the private sector. That is my amendment. I want to know from the Minister why the Government is shying away from this stern decision of closing down units which have been specifically set up to make profits out of these sex determination tests. I feel this is a compromise.

MR. CHAIRMAN: I shall now put Amendment No. 3 to Clause 2 moved by Shrimati Malini Bhattacharya to the vote of the House.

Amendment No. 3 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

SHRI PABAN SINGH GHATOWAR: Sir, Shrimati Malini Bhattacharya has expressed her concern about this and that matter also came up for discussion in the Joint Committee and the Joint Committee has taken a view on that. Now they have to register and they have some responsibility and they have to follow some procedure. When they register in the private sector and when they have the facilities. I do not see any logic behind excluding them, all those who are qualified, from running this type of centres, I think there is no logic to exclude them. So, we have included these private sector clinics also.

*Clause 3 — Regulation of Genetic
Counselling Centres, Genetic
Laboratories and Genetic
Clinics*

SHRIMATI MALINI BHATTACHARYA: I beg to move:

"Page 3,—

for lines 7 to 18, substitute

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Chairman, I was also a co-Member to the dissent note given in that Committee. Actually, what the hon. Minister has explained is not enough. On this question as to why this particular thing should not be only in the Government institutions, no answer has been given.

(1) no -medical geneticist, gynaecologists, registered medical practitioner, or any other person shall conduct or cause to be conducted or aid in conducting by himself or through any other person, any of the designated prenatal diagnostic techniques or procedures except at genetic units provided for the purpose at Government hospitals, research institutions or medical colleges;

MR. CHAIRMAN: Actually, the hon. Minister has said that each and every clause was considered by that Committee. He has replied according to that.

(2) all medical centres having or acquiring equipments which are to be used for the specified tests, including sonography, are to be

SHRIMATI MALINI BHATTACHARYA: Sir, we were Members and we

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registered under this act, and will be required to maintain records of all such tests done on pregnant women for the period specified in the Act." (4)

MR CHAIRMAN: I shall now put Amendment No. 4 Clause 3 moved by Shrimati Malini Bhattacharya to the vote of the House.

Amendment No. 4 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill".

The moticn was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clauses 4 to 16 stand part of the Bill."

The motion was adopted.

Clause 4 to 16 were added to the Bill.

Clause 17—Appropriate Authority and Advisory Committee.

SHRIMATI MALINI BHATTACHARYA: I beg to move:

"Page 8—

for lines 19 and 20 substitute—

"(c) to act upon complaints of breach of the provisions of this Act or rules made thereunder within the shortest possible time, and not exceeding twenty four hours to prevent the removal and obliteration of evidence by the accused." (5)

MR. CHAIRMAN: I shall now put Amendment No. 5 to Clause 17 moved by Shrimati Malini Bhattacharya to the vote of the House.

Amendment No. 5 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

MR. CHAIRMAN: The motion is:

"That Clauses 18 to 22 stand part of the Bill."

The motion was adopted.

Clause 18 to 22 were added to the Bill.

Clause 23 — Offences and Penalties

MR. CHAIRMAN: Amendment No. 6.

SHRIMATI MALINI BHATTACHARYA: I beg to move:

Page 11, lines 29 and 38,—

omit "(including such woman unless she was compelled to undergo such diagnostic techniques)". (6)

This is about the punishment. We find that in this Bill this punishment also covers the women themselves who are about to be mothers. But since women are under pressure of society and of their family and they do not have any say in

[Shrimati Malini Bhattacharya]

their own procreative life, it is, I think a double burden of punishment on them to punish them in accordance with this. That is why I have brought this amendment to remove this injustice.

MR..CHAIRMAN: I put amendment 6 to Clause 23 moved by Shrimati Malini Bhattacharya to the vote of the House.

Amendment No. 6 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clauses 24 to 34 stand part of the Bill."

The motion was adopted.

Clause 24 to 34 were added to the Bill.

Clause 1— Short title, extent and commencement

Amendment made

Page 1, line 6,—

for "1992" substitute "1994" (2)

(Shri Paban Singh Ghatowar)

MR. CHAIRMAN: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

*Clause 1, as amended, was added to the
Bill.*

Enacting Formula

Amendment made

Page 1, line 1—

for "Forty-third"

substitute "Forty-fifth" (1)

(Shri Paban Singh Ghatowar)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

"That the Long Title stand part of the Bill."

The motion was adopted.

The Long Title was added to the Bill.

SHRI PABAN SINGH GHATOWAR:
I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.