

# STATE LEVEL JUDICIAL COLLOQUIUM ON PRE-CONCEPTION & PRE-NATAL DIAGNOSTIC TECHNIQUES (PC&PNDT) ACT, 1994

20th February 2010  
Orissa High Court Conference Hall, Cuttack



### Program Schedule

#### Technical session (12:15 Hrs 16:30 Hrs)

Sl.No.	Topic	Resource Persons	Time
<b>Session Chair Justice B.P. Das, Odisha High Court</b>			
1.	Overview of the Sex selection Issue- Social and ethical dimensions	Ms. Ena Singh Assistant Representative, UNFPA, India	12:15 Hrs 12:35 Hrs
2.	Legal Dimension of PC & PNDT Act	Professor Sarasu Thomas, National Law School, Bangalore	12:35 Hrs 13:15 Hrs
<b>Open House Discussions And Remarks by Chair</b>			<b>13:15 Hrs 13:30 Hrs</b>
<b>LUNCH BREAK</b>			<b>13:30 pm 14:30 pm</b>
<b>Session Chair Justice. L.K. Mohapatra, Odisha High Court</b>			
3.	Opportunities, challenges and initiatives for strengthening PC & PNDT Act Implementation and addressing Sex Selection in the State.	Ms. Anu Garg, IAS Secretary-cum- Commissioner, H & FW, Gol	14:30 Hrs 15:30 Hrs
<b>Open House Discussion &amp; Remarks by Chair</b>			<b>15:30 Hrs 16:00 Hrs</b>
<b>Valedictory Session</b>			<b>16:00 Hrs 16:30 Hrs</b>

**STATE LEVEL JUDICIAL COLLOQUIUM ON  
PRE-CONCEPTION & PRE-NATAL DIAGNOSTIC  
TECHNIQUES (PC & PNDT) ACT-1994**

**20th February 2010  
ORISSA HIGH COURT CONFERENCE HALL, CUTTACK**

JOINTLY ORGANISED BY:  
DEPARTMENT OF HEALTH & FAMILY WELFARE, GOVERNMENT OF ORISSA  
and  
ORISSA STATE LEGAL SERVICES AUTHORITY,  
ORISSA HIGH COURT LEGAL SERVICE COMMITTEE  
in association with  
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*“A girl has the right to be born. Let us collectively assure this”*

## **Introduction & Background**

The state of Orissa has historically enjoyed a balance in sex ratio. In the recent past if trends of intra-district and inter district variation in sex ratio and child sex ratio (CSR), of 1991 and 2001 Census are compared then emergence of differential patterns are evident. The coastal belt represented by economically, socially and educationally well off and developed populace depict a grim picture from the point of view of natural balance in the sex ratio. The high proportion of tribal population in the state is considered as a major contributing factor for the state’s average positively inclined scenario in terms of the number of females per thousand males. The districts showing adverse child sex ratio are also distinctively having great access to the latest medical technologies. As reported in other parts of India, the unholy alliance of tradition and technology has started distorting the fine equilibrium of the social fabric.

Today, as we live in a knowledge driven society, with the traverse of technological advancement and information communication; the physical prowess or strength of men no more holds the truth across the world or in any given contemporary society. The concept of the division of labour based on the fact of the kind of work that men and women do is now literally non-existent with more and more women taking over most of the work that the men only were doing for centuries together. There has been massive polarization in the concept of the gender based division of labour. Women are now taking the lead in every sphere of life across the world. Yet, gender based discrimination has remained a critical challenge in the process of ensuring equality and justice.

The form of patriarchal societal practice, traditional values and culture has resulted into son preference having a negative attitude towards female child. The female child is perceived as on date a liability, where as the male child is believed to be an asset for the parents. The technology which was developed as a means to enhance life is being misused for sex selective elimination of innocent infants. And thus there have been a significant decline of sex ratio and demographic imbalance in few countries of the world which has threatened the very existence of the society. A combination of factors has led to a situation in few countries of the world where a significant decline in sex ratio has been recorded.

## **The Context**

Orissa as a state is in a transition phase with improving health indices. However, efforts need to be made for overall development and social well being of the general population. Though the overall sex ratio compared to other states like Punjab, Haryana and the country appears satisfactory, yet the declining trend of child sex ratio still remains a matter of concern for everybody. The sex ratio over the period of last three Census years 1981, 1991 and 2001 is declining significantly. The sex ratio has declined from 981 in 1981 to 972 in 2001. The rate of declining sex ratio is high among the coastal districts than the tribal districts. Among all the 30 districts, the sex ratio in Nayagarh district is 901 which is lowest in the state while the tribal district Malkangiri has 1002 (Census-2001). Among many other societal reasons, the availability of technology for sex determination and subsequent sex selection is largely responsible for the abysmally declining sex ratio. The media highlights of alleged sex selective eliminations in Nayagarh district drew the attention of the state and the country in strengthening the monitoring mechanisms. Keeping in view of the fact, the

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state government has made institutional arrangement at the district and the state levels for effective implementation and monitoring of sex selective elimination. The PNDT Act 1994 amended in 2003 was enacted to regulate and prohibit the misuse of technology for sex selection before and after conception. Currently there are about 17 cases booked under the Act in different districts of the state.

Although, it is believed that law alone cannot stop the practice of sex selection, sex determination and consequent abortion; it can exercise control over the wrong doers and punish the violators of the law in an attempt to stop this practice. It is in this context, the state level Judicial Colloquium holds significance and demands prudence. It was first of its kind in the state where the judiciary partnered with the Department of Health & Family Welfare to organise the State level Judicial Colloquium to address declining sex ratio through improved partnership and networking of key stakeholders within the framework of law.

### **The Colloquium**

The **STATE LEVEL JUDICIAL COLLOQUIUM ON PRE-CONCEPTION & PRE-NATAL DIAGNOSTIC TECHNIQUES (PC&PNDT) ACT, 1994** was jointly organised by the Department of Health & Family Welfare, Government of Orissa, Orissa State Legal Service Authority, Orissa High Court Legal Service Committee in association with United Nations Population Fund (UNFPA), India on 20<sup>th</sup> February 2010 in the Conference Hall of Orissa High Court, Cuttack. Over 218 participants comprising High Court Judges, District Collectors, Chief District Medical Officers, Sub-Divisional Judicial Magistrates and media representatives participated in the deliberations and discussions. (Annexure-I, List of participants)



His Excellency, Shri Muralidhar Chandrakanta Bhandare, the Hon'ble Governor of Orissa, Hon'ble Justice Cyriac Joseph, Judge-Supreme Court of India, Hon'ble Justice I.M Quddusi, acting Chief Justice of Orissa High Court, Hon'ble Justice B.P Das, Judge Orissa High Court & Chairman-High Court Legal Service Committee, Sh. Prasanna Kumar Acharya, Hon'ble Minister, Health & Family Welfare Department, Government of Orissa, Mr. Nesim Tumkaya, UNFPA-Country Representative, India & Bhutan and Ms. Anu Garg, IAS, Commissioner cum Secretary- Health & Family Welfare Department, Government of Orissa graced the occasion and addressed the participants during the inaugural session. This session inspired the participants with sharing of personal experiences, expression of commitment towards the issue and motivating the participants to take collective action.

*Although, it is believed that law alone cannot stop the practice of sex selection, sex determination and consequent abortion; it can exercise control over and punish the violators of the law so that this practice is arrested*

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There were three technical sessions on different aspects of the Act and dimensions of declining sex ratio in Orissa. Ms. Ena Singh, Assistant Country representative, UNFPA-India, Prof. Sarasu Thomas, National Law School, Bangalore and Ms. Anu Garg, IAS, Commissioner cum Secretary- Health & Family Welfare Department, Government of Orissa, made presentation on the issue and discussed the intensity of the problem and need for collective action. The resource persons insight into the subject and their involvement with the issue was evident from the interest generated among the participants during the deliberations.

## INAUGURAL SESSION

### Inaugural Ceremony

The programme started with National Anthem performed by the Police Band followed by formal welcome of the dignitaries on the dais by offering floral bouquet. His Excellency, Shri Muralidhar Chandrakant Bhandare, Hon’ble Governor of Orissa and the esteemed Guests ceremonially inaugurated the colloquium by lighting lamp.



### Welcome Address

#### Hon’ble Justice B.P Das, Judge Orissa High Court & Chairman-High Court Legal Services Committee

Justice B.P Das extended warm welcome to the Chief Guest of the occasion, other esteemed guests, distinguished participants and media representatives.



In his welcome address, Justice Das highlighted the objective and importance of the workshop. Justice Das elaborated on the magnitude of the issue referring to figures released by the United Nations that about 7.5 lakhs of girls are missing every year and continuation of this

trend possess a threat to social stability of our country. Keeping in view of the fundamental societal problem, he felt that only enacting law for prohibiting sex selection and imposing penalty for the culprit or the violator is not enough. There is a need to make conscious effort to change mind sets of individuals, families and society by promoting dignity and importance of girl child.

*According to United Nations about 7.5 lakhs girls are missing every year and continuation of this trend possess a threat to social stability of our country.*

*“A girl has the right to be born. Let us collectively assure this”*

The coordinated effort of various stakeholders including GO-NGO, judiciary, media, health service providers and development partners will yield expected result.

#### **Address By Guest of Honour**

**Mr. Nesim Tumkaya, Country Representative, India & Bhutan, UNFPA**

Mr. Nesim Tumkaya deliberated on the issue of sex selection drawing his experiences of observing development trends in different parts of the globe.



Recalling his personal experiences in India over the last three years, he made two observations that India is a shining star, a star rising in the world in the international arena, a very formidable and a very strong super power in the making. But at the same time, unfortunately the pace of development is not commensurate with

the economic development and emerging practices like sex selective eliminations which further threatens to damage social development processes. This may limit judicious distribution of the fruits of economic development towards improving quality of life for all. Finally, the need for a holistic approach in a well coordinated and collaborative manner to address issue of sex selection and to promote dignity of girl child. He further expressed that the outcome of the colloquium will not only improve the situation in Orissa but also provide learning to other states for making such efforts. And finally he said that **“we all are responsible for this menace, at home, individually, in our family, in our community and we have to commit ourselves that we will welcome girls and not let happen the elimination of female or sex selective abortion.”** He further expressed that the outcome of the colloquium will have a positive result showing corrective sex ratio at birth in the near future.

#### **Key Note Address**

**Sh. Prasanna Acharya**

**Hon’ble Minister, Health & Family Welfare, Government of Orissa**

The Hon’ble Minister while delivering the keynote address made a brief situational analysis of the current sex ratio in the state and spoke about his vision and commitment to ensure affordable, equitable and accessible health care services for one and all. He expressed that sex ratio is an important indicator of



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social development of any society. In the context of Orissa he said that the sex ratio is 972 per 1000 male as per the Census of 2001. The child sex ratio in the age group of 0-6 years is 953 per 1000 male. It may indicate a favourable picture in comparison to few other northern states of India. However, in Orissa there is wide variation within the state itself. In recent past developed states like Punjab and Haryana have been showing a decline in sex ratio and this problem was associated with pace of development. This notion does not hold good as access to modern technology and mindset of the society while putting together results into misuse of technology for discrimination of girl child. This is evident from the fact that the spread of distortions in sex ratio is penetrating even in the less developed districts of the state with access to modern technology. Still this problem is less acute in tribal dominated districts like Nawarangpur, Malkangiri, Gajapati and Rayagada. In order to substantiate his views, the Hon’ble Minister presented the figures of sex ratio of different districts in terms of rural-urban settings and regional settings.

Talking about the consequences of the problem of declining sex ratio, the Hon’ble Minister felt that this is a very serious trend in the society which is leading towards a situation where a man may not find bride and the women may suffer consequences such as forced marriage or trafficking. Elaborating on the priorities for the state Hon’ble Minister stated **“My priority for the state is to ensure people centric, accessible, affordable and accountable health system. My vision is to realise good health and productive life for each and every person of our state. In this pursuit “we will not tolerate any deterrence which disrupts our social health. We are committed to eliminate sex selection from our state.”** He further reiterated that sex selection is a curse for our society and we all should join our hands to eradicate it completely and transform the society where girl is received with dignity, respect and as an equally valued human being of the society.

Taking the deliberation further, he said that without effective implementation of the Act, sex selection can not be checked. He sincerely requested the public, the implementers, service providers and Judiciary of the state to ensure utmost priority to this issue in view of less time left out to take measures to reverse the sex ratio. While expressing his opinion he stated that law alone will not be able to solve the problem and therefore, he made an appeal that every one has to play their roles to curb this practice as parents, family members, siblings, friends, professionals, doctors, teachers, lawyers, hon’ble judges, administrators, elected representative, journalists, writers and artists to work together to create a gender balanced society.

He informed the house that the establishment of the PC & PNDT Cell in Orissa is to implement the act effectively and strengthen the monitoring system and placing a fulcrum to promote networking, collaboration, partnership among various stakeholders for addressing the issue on priority in the state. He informed the participants that the government is giving high priority to address this issue and the defaulters will be dealt with iron hand. **“We are ready to extend all support and guidance for effective implementation of the Act towards the process of curbing sex selection for the well being of our society and I am sure that officers will leave no stone unturned to transform good intention into action”.**

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Finally, he appreciated the support of UNFPA, India, Orissa High Court, State legal Service Authority, High Court Legal Service Committee and said that **“this colloquium will go a long way in setting an example in our country for prohibiting sex selection”**. He suggested that more and more people should be involved in this process, awareness should be created among the masses and such type of workshops should be organised at the district, sub-division and block levels to percolate message down the line and reaching to people.

#### Address By Chief Guest

#### JUSTICE CYRIAC JOSEPH

#### HON'BLE JUDGE, SUPREME COURT OF INDIA

Hon'ble Justice Joseph while speaking on the occasion congratulated the Orissa State Legal Service Authority for collaborating with Health & Family Welfare Department, Government of Orissa and UNFPA to organise this colloquium. He started with the international perspective building on the issue that use of technology and disclosure of sex is practiced across the globe but in few countries this information is misused for sex selection where as in most of the countries this information is used for birth preparedness.

While dwelling upon patriarchal set up and influence of mind set of people he narrated that son preference is so deeply rooted in the minds of the people that people think

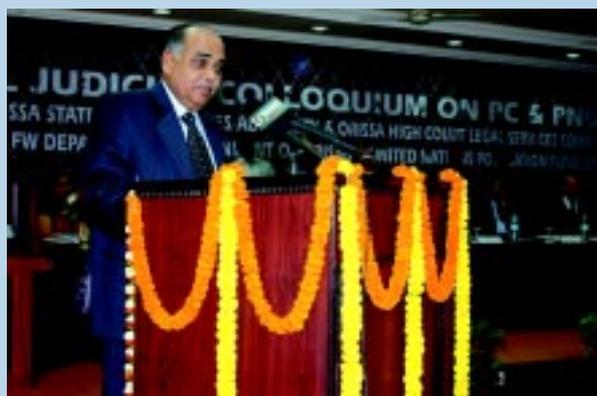
family composition is complete the moment a male child is born in the family. The Hon'ble Judge made it clear that each one of us will have to demonstrate values we pursue in our real life. Before preaching for promoting dignity of girl child, we need to demonstrate practice in our lives. This will not only convey message with weightage but also have great influence on the mind set and behaviour of others.

In his concluding remark, Hon'ble Judge stressed **“what is most required today is a determination and a conviction to enforce the law strictly and to pursue action with sincerity of purpose.”** While expressing his personal experience he opined that **“daughters are more affectionate, more obedient, more receptive and more helpful and they create less problem. And why should we be hesitant to get such beautiful people in our family.”**

#### Inaugural Address

#### His Excellency, Shri Muralidhar Chandrakanta Bhandare Hon'ble Governor of Orissa

His Excellency, the Hon'ble Governor of Orissa made an inspiring, lively and motivating address by integrating personal and academic experiences. At the



*“what is most required today is a determination and a conviction to enforce the law strictly and to pursue action with sincerity of purpose.”*

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outset, he underscored the need to create mass awareness in order to change the mind set of the people. He made a comparative analysis of the division of labour in the past and in the present context and said **“today we live in a world of human rights where all human beings born free in this world**



**and should have equal right and therefore a woman has the same dignity as the man does have.”** The Constitution of India stands on four pillars namely, justice, equality, liberty and fraternity. The philosophy of equality encompasses through the provision of the Constitution. “We will

have to uphold the concept of equality not only in the notion but it should be reflected in our behaviour and our day to day lives. Each one of us should respect and follow Human Rights.” The gender discrimination is not only violation of social justice but also reflect gross violation of Human Rights

In present day the superiority of physical prowess has been replaced by the prowess of knowledge. The development of science has changed pace, magnitude and direction of lives. In the changing scenario of the present world knowledge holds superior position than any other domain. Today “we live in a Gyan Yug, in a knowledge society and what is important in a knowledge society is that the differences between man and woman on the basis of physical power or physical prowess is practically non-existent. As women have demonstrated superiority to men in ability and knowledge level they no longer remain a weaker human being.

By citing example of personal experience of social conditioning process and influence of behaviour even in the educated society, Hon’ble Governor expressed that boys used to receive more attention in comparison to girl child. But change of time has changed the situation and today both boys and girls are being given equal opportunities.

His Excellency, also mentioned that education empowers a human being to deal with life in a more meaningful and rational manner. It is our responsibility to ensure that equality prevails and girl child has equal opportunity for education and overall development. The sex selection cannot be tolerated on any ground and we will have to make focused efforts to address this issue with utmost priority.

#### **Presidential Address**

**Hon’ble Chief Justice I.M Quddusi  
Acting Chief Justice of Orissa High Court**

Hon’ble Chief Justice I.M Quddusi delivered the Presidential address and briefly discussed about different dimensions of the Act and the crime committed by eliminating female foetus. Hon’ble Chief Justice started with a brief note on the modern medical science and the technology used for sex selection and sex

*Today “we live in a Gyan Yug, in a knowledge society and what is important in a knowledge society is that the differences between man and woman on the basis of physical power or physical prowess is totally removed.*

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determination. Hon’ble Chief Justice further stated that **“female feticide is a major concern which needs to be pondered up on by all of us. It is a crime not only against women but also against humanity as a whole”**. The practice of dowry in our society aggravates a situation where a girl is perceived as an economic burden on the family. Hence, social practices undermining value of girl child should be addressed while attempting to address processes of eliminating girl child.

The PC&PNDT Act of 1994 was amended in the year 2003 making provision to address existing gap. Every offence under this Act has been made cognizable, non-bail-able, and non compoundable. In this context this present colloquium and assemblies of legal luminaries, judicial officers, administrators, medical officers, social activists and other conscious public indicate expression of commitment and intent for collaborative effort.

**Such a programme as he believed was long awaited. “This day will therefore, remain memorable for the Orissa State Legal Service Authority and the High Court Legal Service Committee”.**

#### **Presentation of mementos and Vote of Thanks**

Mementos were presented to the esteemed Guests as a token of appreciation.

Ms. Anu Garg, IAS, Commissioner cum Secretary- Department of Health and Family Welfare, Government of Orissa extended a warm vote of thanks to the guests and dignitaries. She expressed her



gratitude towards Hon’ble High Court and UNFPA for partnering in the process of initiating multistake holder efforts to curb sex selection in the state of Orissa. She concluded with an appeal that

**“a girl has the right to be born. Let us collectively assure this”.**

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The inaugural session was concluded with the performance of National Anthem by the Police Band.

### Technical Session-I

#### Overview of Sex Selection Issues-Social and Ethical Dimensions

**Ms. Ena Singh**

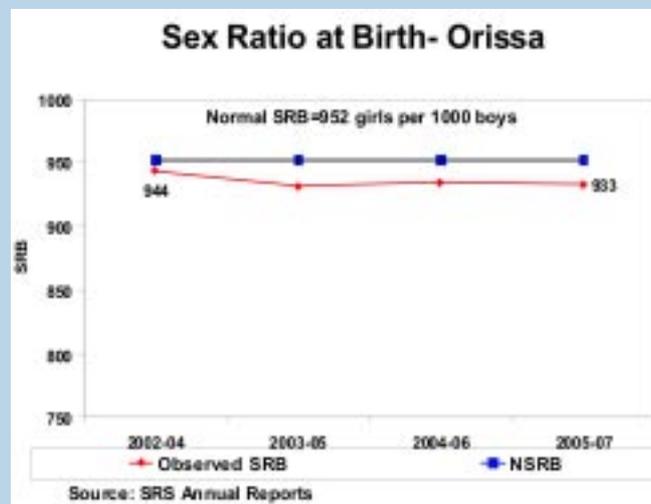
**Assistant Representative, UNFPA, India**

Ms. Singh made a very educative, interesting and rather revealing presentation with examples, case studies, graphical presentation of facts and figures, comparative analysis of the status and trends of sex ratio at the state and national level. This was followed by analysis of



Sample Registration System (SRS) estimates in the context of Orissa. She established that skewed pattern of distortion in sex ratio is gradually spreading and penetrating pockets which remained favourable for girl child. While discussing indicators to track trends and changes over a period, it was established that the Child Sex Ratio provides fairly correct picture about the emerging pattern.

*In Orissa not only inter district variation is alarming but also gradual decrease in sex ratio at birth is a serious matter of concern.*



Ms. Singh presented evidences from the analysis of Census and SRS data that in Orissa not only inter district variation is alarming but also gradual decrease in sex ratio at birth is a serious matter of concern. We cannot be contended by discussing sex ratio of the population from

*“A girl has the right to be born. Let us collectively assure this”*

the data of 2001 Census as situation now and that of ten years back has changed alarmingly.

She made a graphical presentation of sex ratio of Punjab, Bihar, Maharashtra, Delhi and Orissa. While discussing the changes in sex ratio at birth among the worst affected states like Punjab, she observed that proactive action from multiple fronts followed by effective implementation of PC&PNDT Act has started showing reversal in the trends of previous skewed sex ratio.

“Access to technology which was limited to the urban area is now available in the urban area and hence the situation is turning worse”.

Citing negative examples of experience of women giving birth to girl child, she presented different case studies of women who have been tortured, abused, abandoned and thrown away. Giving the examples of states like Punjab, Haryana and Rajasthan, she said; the trend of forced marriage and trafficking has already taken place as there are shortage of girls to marry. Thus, establishing the fact contrary to the common belief that lesser number of girls will improve status of women in the society but such trends give rise to gender based violence.

Drawing upon the pillars of Constitution and law she discussed classical examples of cases in which Preamble of our Constitution of equality prevailed and appeals were rejected by the Court of law for opting sex ratio.

In her conclusion, she opined that not only the PC&PNDT Act, it is important to see that other women related Acts are implemented and women autonomy is safeguarded.

## **Discussions**

The participants raised questions on how to counsel and convince those who intend sex determination and sex selection; convictions made under the Act so far and institutional mechanism at the sub divisional level.

Responding to the queries the subject experts mentioned that there is primarily an attitudinal problem of the people responsible for girl child elimination which can be addressed to an extent by counselling.

Regarding conviction it was told that there are but few convictions made. The point is that not many cases are reported and filed in the appropriate court of law and there is a great deal of problem of how to monitor and track such cases of violation

It was clarified that Sub-divisional Magistrate is the appropriate authority to take legal action against the violators of the Act at the sub-division level.

Finally, the participants were told that the law is intended to do the best to prevent gender based discrimination. However, a collective action is required to stop sex determination and sex selection. Finally, it was emphasised that changing the mind set of the people will go a long way in balancing the sex ratio and arresting sex determination and subsequent abortion.

*“Access to technology which was limited to the urban area is now available in the urban area and hence the situation is turning worse”.*

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## POST LUNCH SESSION

### Technical Session-II

#### Legal Dimensions of PC&PNDT ACT

#### PROFESSOR SARASU THOMAS

**Professor, National Law School, Bangalore**

Professor Thomas an expert in Family and Human Rights Law of the National Law School, Bangalore discussed Constitutional and Conventional laws and morality. She also highlighted the issue of gender representation in legal fraternity.



*The Constitution of India has the highest moral and legal authority in our country; no other morality is to be considered other than what is called a “Constitutional morality”.*

The Constitution of India has the highest moral and legal authority in our country; no other morality is to be considered other than what is called a “Constitutional morality”. But the constitution does discuss right to personal liberty. Those rights are also part of our fundamental freedom and those rights can be limited and are subject to reasonable restriction at different points of time. She quoted that “The binding to respect and follow Constitution of our country is universal for all citizens and judiciary has special responsibility to upkeep the provision of the Constitution and protect its values”. Referring to a quote from Justice Cyriac Joseph’s speech of the inaugural session that in most parts of the world one can determine sex of the unborn child but the consequences of that do not necessarily mean or lead to an abortion. Prof. Thomas said that in India, the freedom to go and find out the sex of the child has led to discrimination on the basis of gender. She further emphasised that before the enactment of PC&PNDT Act, there was Constitutional law. So when we are called up to implement the Act and to talk about the Act at various levels, we have to keep this Constitutional ideals in mind and the main issues that law seeks to deal with sex determination and sex selection.

The issue of sex selection has two parts- sex determination and sex selective elimination by abortion. Under the MTP Act abortion is allowed upto 20 weeks under certain grounds. However, sex selective abortion is a crime. Therefore, efforts should be made to stop sex determination and sex selection. She also expressed that women who go in for sex selection are significantly influenced by the society in which she lives and has grown up. It is the creation of differences and discrimination in the mind and pressures of society that results in negative action.

Prof. Thomas very vividly expressed that the Constitution of India imbibes certain values and these values are guiding force for the law.

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### Technical Session-III

#### Opportunities, Challenges and Initiatives for Strengthening PC&PNDT Act Implementation and Addressing Sex Selection in the State

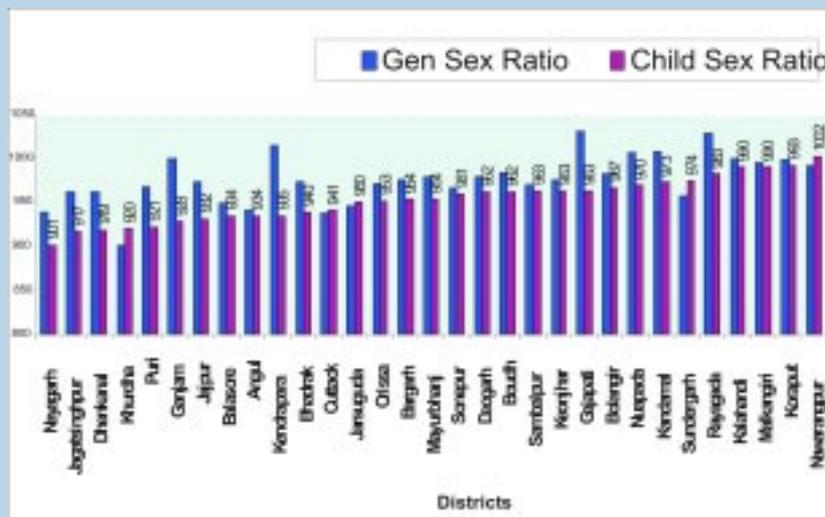
**Ms. Anu Garg, IAS,  
Commissioner-Cum-Secretary  
Department of Health & Family Welfare  
Govt. of Orissa**

Ms. Anu Garg made a comparative analysis of child sex ratio across the Census years and inter and intra district variations in Orissa using graphical presentation and maps.



Ms. Garg discussed the presentation of Ex-Collector of Hyderabad on initiatives/opportunities for addressing sex selection in Orissa.

#### District Wise Sex Ratio in Orissa



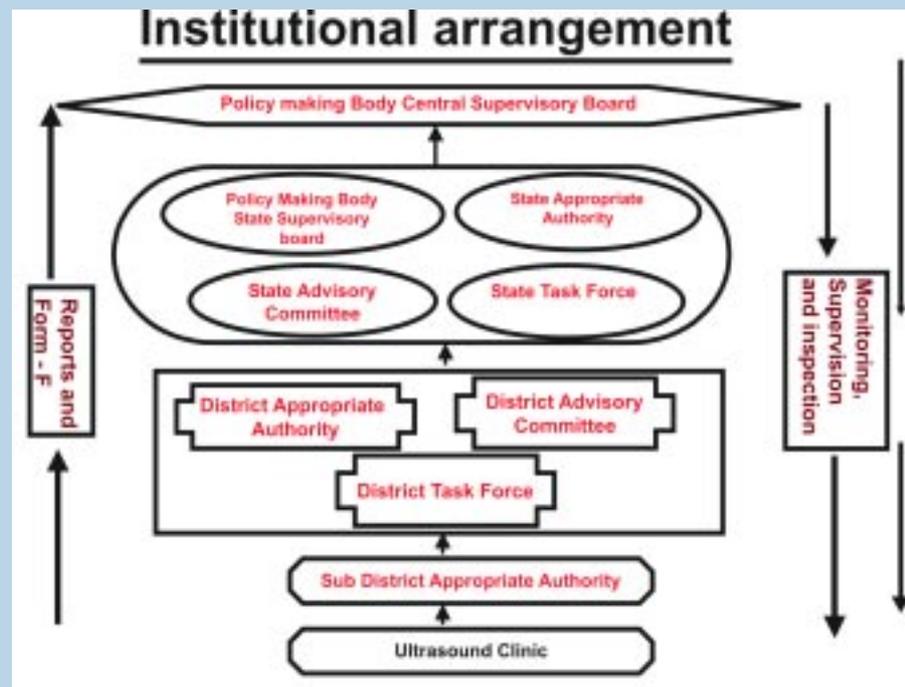
She highlighted the need to develop mechanisms for inter-district coordination and collaborative effort and to focus on area specific and if possible community specific interventions to curb the pernicious practice of female foeticide.

As the Hon'ble health Minister has already said that the government has viewed the situation and the trend seriously and has initiated all round effort to obliterate this heinous crime. In view of the above both programmatic and institutional mechanisms have been strengthened at the state and district levels to plan, implement and take corrective legal actions to reverse the sex ratio. Taskforces

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have been constituted at State and District levels, Advisory Committees have been rejuvenated at State and District levels and the State and District Appropriate Authorities have been advised to strengthen monitoring of the implementation of PC & PNDT Act.

She explained the institutional arrangements for the implementation of the Act as depicted below:



In addition she explained programmatic interventions to strengthen the institutional mechanism and to create an enabling environment to mobilise different social action groups for collaboration and collective action. PC & PNDT Cell has been established at the state level, the implementation of the Act is regularly monitored and a toll free number (1800-345-6746) has been made functional.

Networking and partnerships have been developed with Indian Medical Association (IMA)/FOGSI, NGOs, CBOs and with women groups like National Alliance of Women's Organisations, Women Power Connect, and Rotary Club. She reiterated that the judiciary and media are going to be important partners in the pursuit for addressing declining sex ratio in the state. She informed that several sensitization workshops have been organised on this issue for various stakeholders to take forward the task of enforcing the act effectively.

Efforts have been intensified for reaching to the people through awareness generation and sensitisation programme to curb demand of services for sex selection through multimedia communication campaign. Simultaneously, systematic efforts are being made to build capacity of Advisory Committee members, health professionals and doctors of tomorrow by providing orientation on social, ethical and legal dimensions of the issue.

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### **“Experiences from Hyderabad”**

When Mr. Arvind Kumar joined as the District Collector in Hyderabad districts the sex ratio was 948 in 2003. He immediately went for a Medical Audit of 389 Registered Scan Centre in 2004. He analysed the Form F for almost three months and then found out that in Form F, 19 out of 23 columns are not filled up. Legal notice was then issued to 374 out of 389 Scan Centre. Operations of 112 Centres were suspended, 116 Scan Machines were seized, 3 suppliers were prosecuted, 20 prosecutions were filed against Scan Centres, 1 non bailable warrant was issued followed by arrest. As a result the sex ratio at birth increased from 948 in 2003 to 1014 in 2005. This is one of the classic examples of successful intervention using the instrument of Medical Audit and analysis of Form-F.

The District Collector was completely involved, he did a medical audit, took legal action and followed it up to its logical conclusion.

Ms. Garg said that despite all challenges and adverse situation, we are sure that we will break the nexus between tradition and technology. The Act provides a lot of authority to officials to regulate the misuse of technology, there is also a lot of political commitment as expressed by the hon’ble Governor & Health Minister along with ample support from judiciary and executives as discussed in earlier sessions of the colloquium. Financial resources will not be a constraint in moving ahead, building alliances, developing partnerships, forming networks towards collaborative efforts to mobilise key stakeholders to respond to the need and augment processes for effectively asserting the deteriorating situation and restoring normal sex ratio.

Finally, Ms. Garg concluded by stating that, **“we should now make an assessment of our respective districts, increase the supervision, make surprise checks, have team of resource persons, organise sensitization programme for registered Ultrasound Clinics. Let us give them a chance on what is required of them. Please ensure that this is being done within this time frame failing which action will be initiated. At the state level we will conduct regular reviews and provide all back up support. We will be networking with IMA to build pressure and we are also in the process of having the state PNDT website where we will be now hosting the names of all such institutions which are defaulting”**.

Let us join hands together and work towards this noble cause.

*“A girl has the right to be born. Let us collectively assure this”*

### **WAY FORWARD**

With these presentations, the house was opened for discussion. The participants shared their personal experiences and raised some of the issues which need to be addressed. Other than the use of technology for sex determination, there are traditional ways through which people could know the sex of the child. People offer Pooja, prayer and consult local traditional health practitioners to know the sex of the child and proceed for sex selective abortion. There are certain conditions when people go for birth by choice. It is very often difficult to counsel and convince them whether law permits such practice or not. The fact remains that certain choices are permitted and certain choices are not like one can choose the number of children, when to have children and which hospital to go but certainly one cannot discriminate on the basis of the sex of unborn child.

It was flagged that the possibility to use advanced technologies should be probed to have inbuilt checks and balances in the use of technology. This was expressed to collect complete data from the imaging machines.

Finally, consensus emerged that each one of us has a role to play in the issue of social concern. No single actor/player is capable to check sex selection. The key stakeholders will have to work in harmony to complement efforts of each others for a synergistic effect to address sex selection in the state.

The health department has taken a leadership role to the whole process and future actions will be built upon the strength of each stakeholders for realising the goal of a balanced and progressive society in the state.

### **VALEDICTORY ADDRESS**

**Justice B P Das, Judge-Orissa High Court**

**Chairman, High Court Legal Services Committee**

Justice B.P Das while delivering the valedictory address said that “I am delighted to address this valedictory session because the topic which was taken today is a burning one. I think the restriction of sex selection is not enough but there should be proper sensitisation to change the mind set of the people.”



The Quick adjudication of such nature of case is also important to implement the provisions of the Act.

“And I hope that the outcome of the seminar will be a milestone for the judicial officers and the administrative officers. And such colloquium will be organised in different parts of the state”.

*“A girl has the right to be born. Let us collectively assure this”*

## VOTE OF THANKS

**Sh. Suvendra Mohanty**

**Member Secretary-Orissa State Legal Services Authority**

Sh. Suvendra Mohanty, Member Secretary-Orissa State Legal Services Authority extended vote of thanks to all the esteemed guests, dignitaries, participants, media and others. He appreciated the efforts of the collaborating partners for organising this colloquium. Finally he said that this colloquium



as you aspire will go a long way in implementing the various facets of PC&PNDT Act.

### **Media Highlights**

The media representatives played an important role to create awareness on the issue. News items and photographs were published in different print media and coverages were made in electronic media as well both at local and national level in Oriya, Hindi and English languages. The importance of media highlights was the sensitivity of the issue and was evident from participation of the media representatives in the colloquium.

“A girl has the right to be born. Let us collectively assure this”

## Annexure - I

### List of participants

#### Dignitaries

Hon'ble Governor of Orissa	
Hon'ble Minister, Health & FW Department, Govt. of Orissa	
Hon'ble Justice, Supreme Court of India	
Country Representative of UNFPA, India	
Hon'ble Chief Justice of Orissa High Court	
Hon'ble Justice, Orissa High Court	
<b>Sub-Total</b>	<b>06</b>

#### Judges and Officials of Orissa High Court

High court judges	16
Registrar, Orissa High Court	05
Director, Prosecution, Govt. of Orissa	01
Other officials of Orissa High Court	11
Senior Advocates, Orissa High Court	18
Support staffs from High court	15
<b>Sub-Total</b>	<b>66</b>

#### Senior Government Officials

Commissioner-cum-Secretary, Health & FW Department	01
Secretary, Law Department	01
Addl. Secretary Law Department	01
Director, Women & Child Development Department	01
District Magistrate & Collectors	11
Chief District Medical Officers	11
Senior officials from Health Department	04
Directorate Family Welfare officials	09
State Supervisory Board Members	05
State Advisory Committee members	03
PNDT Cell Staff	03
Other Support Staffs	15
<b>Sub-Total</b>	<b>65</b>

#### Judicial Officials

Senior Judicial officers of Cuttack & Bhubaneswar	06
Sub-Divisional Judicial Magistrates	56
Civil judge (Junior division)	03
J.M.F.C	05
<b>Sub-Total</b>	<b>70</b>

#### Other Officials

UN Agency representatives	08
FOGSI members	02
IMA members	01
<b>Sub- Total</b>	<b>11</b>

<b>Total Participants</b>	<b>218</b>
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Directorate of Family Welfare  
Govt. of Orissa