

Law against Feticides / Pre-natal Diagnostic Act

Abortion of a female foetus or Female Foeticide is a major social problem in India due to its connection with dowry. Unlike western countries, here son preference over daughters exists. After conception, sex of the foetus is determined and if the sex of the foetus is found female, they are aborted. Sex determination and selective abortions by medical professionals has grown into 1,000 crore industry (US\$244 million).

Magnitude of the problem can be assessed that researchers for the Lancet journal based in Canada and India stated that 500,000 girls were being lost annually through sex selective abortions. The seriousness and social implications of female foeticide were realized firstly in 1986 after a social organizations started campaigning for a ban on the sex determination test. They pleaded that the test is not only discriminatory and inhuman but also has dangerous social implications. The reduced sex ratio would lead to polyandry, prostitution and other crimes against women like trafficking, rape, kidnapping etc.

Keeping in view the Forum Against Sex Determination and Sex Pre-selection (FASDSP), a social action group in Mumbai initiated a campaign in 1986. Succumbing to public pressure the Maharashtra government enacted the Maharashtra Regulation of Pre-natal Diagnostic Technique Act 1988, the first anti sex determination drive in the country which was followed by Punjab in 1994. Both these repealed by the enactment of a central legislation i.e "Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act on 28th September ,1994, which banned sex determination tests all over the country. This Act carries a three-year imprisonment sentence and Rs. 10,000 fine for the offender. The implementation of this Act initially faced problems as monitoring agencies had to be identified at all levels. It was therefore only in 1997 when the responsibility was delegated that actual implementation of this Act. Sex selective abortions were banned in 1994 after the introduction of Pre-Conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act. This act was amended in the year 2003 in which it was resolved that the medical professionals will be made

responsible for the heinous crime of female foeticide. But this Act could not be get its goal because of its poor implementation.

In 2013, the Supreme Court ordered all states to effectively implement the law against sex selection in response to the petition filed by NGO Voluntary Health Association Of Punjab. The silent features of this judgement was as following—

- All courts were ordered to dispose of all cases filed under this Act within six months.
- A special cell under the State governments will monitor the proceedings of the cases filed under this Act.
- Registrations of all Ultra-Sonography centres were made compulsory(within 3 months).
- Ultra-Sonography machines will not be sold to any other agency other than the registered centres. The authorities were empowered to seize the unauthorized use of machines and can register the case against the offender.
- The Ultrasound clinics and laboratories were directed to maintain the records of their works, which can be shown when required.
- Ultra-Sonography Centres should be punished for any breach of the Act. The State and District advisory committees must report details of the charges to the State Medical Council.
- Central and State boards should meet in every six months to decide the modalities for the effective implementation of the Act.