

April 12, 2020

**Shri. Dr Harsh Vardhan
Hon'ble Union Minister
Ministry of Health and Family Welfare
Government of India
Nirman Bhawan, New Delhi-110011**

JOINT STATEMENT ON THE SUSPENSION OF THE PCPNDT RULES, 1996 THROUGH OFFICIAL GAZETTE

Respected Sir,

We, the member of Girls Count Coalition are highly disappointed to see the Official Gazette dated April 4, 2020 pertaining to the suspension of Rule 8, Rule 9(8) and Rule 18A (6) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 till June 30, 2020.

We completely understand that the whole nation is going through a severe health crisis due to Covid-19 pandemic. And all of us laud our medical doctors, government officials, paramedical staff as well as frontline health workers in the fight against coronavirus and measures taken by the Government of India such as lockdown to prevent the spread of infection are also highly commendable. However suspension of critical PCPNDT Rules is uncalled for, and can be detrimental.

CONCERNS:

1. No Rule that regulates medical practice and helps in preventing the pre-birth discrimination against girls should be suspended. As several media reports suggest, there has been a considerable increase in cases related to domestic violence, and therefore measures need to be taken to safeguard our women and girls in the present crisis. We are of the opinion that gender inequality and domestic violence is going to make the situations even worse for women and girls.

2. We understand that the primary focus of our health and medical fraternity, including that of the government, at this moment is to contain the pandemic and treat the infected, and indeed the PCPNDT Act will not be on their highest priority. However overt suspension of such important Rules for the entire country, sets a terrible precedent, creates ground for abuse of the situation, and also sends a contradicting message to the masses vis-à-vis our resolve towards gender justice and '*Beti Bachao Beti Padhao*' flagship programme.
3. Section 32 (power to make rules) of the PCPNDT Act gives power to the Central Government to make Rules for carrying out the provisions of the Act but it does not give authority to the Central Government to temporary suspend any Rules under any circumstances.
4. Members of the Central Supervisory Board (CSB) which is a policy making body as per the Section 7 of the PCPNDT Act were not consulted through email, phone or video conferencing before taking the decision.
5. In a lockdown situation, some of the standalone and multispecialty centres in the country have voluntarily been closed down to follow the direction on physical distancing and due to the threat of coronavirus. Therefore, the number of regular patients may have reduced. In such a situation, the burden of maintaining records under PCPNDT Act may have been reduced for several clinics.
6. Various state governments have developed the system of online reporting for the centres. This was the time to make the best use of the online reporting. A break in monthly reporting will lead to 'poor or no record keeping' by the centres till June 30, 2020.
7. We believe that suspension of Rules should not be the method of giving relaxation to the centres registered under the PCPNDT Act as well as to the law enforcers. It would set a wrong precedent.

8. Rules of no other regulatory laws related to medical practice have seen suspended and therefore, we do not understand the urgency of suspension of PCPNDT Rules, 1996.
9. Complete exemption to the centres registered under the PCPNDT Act in monthly reporting can lead to the increase in sex determination test and subsequent sex selective eliminations during the exempted period.

SUGGESTIONS:

1. The Ministry of Health and Family Welfare should have consulted all CSB members before reaching to the decision of suspending the above mentioned Rules.
2. Instead of suspending the **Rule 8**, which is about submission of application for renewal of certificate of registration by centres, this could have been done online till the lockdown period as specified by the Government of India and not till June 30, 2020 as gazetted.
3. **Rule 9(8)** asks centres to send a complete record in respect of all pre-conception or pregnancy related procedures, techniques or test conducted by them for each month to the concerned Appropriate Authority by 5th of next month. However, as a last resort if a State Government such as Maharashtra had advised clinics to submit Form-F for the months of March and April by May, 2020 it is fine but an India level suspension of several Rules is unwarranted.
4. Under the **Rule 18A (6)**, all Appropriate Authorities including the state, district and sub-district are required to submit their quarterly progress report to the Government of India through State Government and maintain Form-H for keeping the information of all the registrations. Officials in this case also could have done this through online.

Suspension of any provision of the PCPNDT Act and Rules thereof during the pandemic for the entire country is unacceptable. We, the representatives of different organisations hereby urge the Government of India and make an appeal to the Ministry of Health and Family Welfare to withdraw this notification with immediate effect.

Thanking you.

Sincerely,

Girls Count Coalition

Endorsement:

1. Abha Bhaiya
2. Adv. Chaitra VS
3. Adv. Shailaja Jadhav Patil
4. Adv. Varsha Deshpande
5. Adv. Vijay Bhatnagar
6. Amitabh Behar
7. Asha Shikarwar
8. Bimla Chandrasekhar
9. Dr Kamal Kumar Dixit
10. Dr Neelam Singh
11. Dr Ranjana Kumari
12. Dr Sabu George
13. Kailash D Jadhav
14. Lalit Surjan
15. Md. Rizwan Parwez
16. Rajan Choudhary
17. Smita Khanijow
18. Subhash Mendhapurkar
19. Tara Ahluwalia
20. Tehmina Arora
21. Vidya Pandey
22. Vimlendu Jha