



Editorial

Making Sense of a Complex Act

The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT Act), 1994, was introduced to curb the rampant practice of the illegitimate prenatal sex determination, which has plagued India for as long as one can recall. The act has been amended from time to time to thwart the ill effects of the monstrous technologies, but looking into its effectiveness it appears to be still stuck in its infancy. The bitter truth is that this act has utterly failed to improve the skewed gender ratio; rather in 2011 it reached its nadir. Sometimes it irks whether the existing act is really a useful tool to correct the skewed sex ratio, or an easy means utilized by the unscrupulous authorities to extort money from radiologists and gynecologists? Incidents of doctors being harassed ranges from asking to stop their practice, sealing their clinics to putting them behind bars. Even those who follow a healthy practice have been dragged in few incidents due to inadvertent clerical errors.

Sometimes doctors are treated as criminals for trivial things like not keeping a PC&PNDT Act booklet, not putting up a board of the correct size that declares they do not encourage sex determination, not wearing a proper apron or gown while doing an ultrasound, etc. The officials simply seal the clinic, which is released only after the case is decided. Doctors are even jailed for three months if the Form F is not correctly filled. It is difficult to understand why the Form F has become a matter of utmost concern? There are 19 points to be filled in the Form F, out of which the last 9 points are related to interventional ultrasound. In most of the cases ultrasound is just done for diagnostic purposes and it is unnecessary to fill the last 9 points in these cases. The saddest part being that despite numerous requests to simplify the Form F, it has been further complicated. While the government is concerned about the low doctor-population ratio in one hand, they expect the doctor to be on their toes for the petty clerical works on the other.

Recently, a state government is planning to make it mandatory for all sonography centers to register online the details of all pregnant women in the third month of pregnancy. Mothers of one or more girl children will be closely monitored as they fall under the high-risk category. If this is properly implemented, monitoring of cases of female foeticide will become much easier.

One important aspect that is being continuously ignored by the media and the law is that female foeticide is more of a social problem than an economic nexus. The son-preference is rooted in our societal norms. It is the society who seeks female foeticide- not the doctors. The doctors earn handsomely taking the advantage of this evil of male child preference. Therefore, howsoever the rules are amended to nail the doctors and on the top of it media never misses an opportunity to defame doctors, this abhorrent practice will continue unless the mindset of the society changes. Simply framing rules without looking into the root cause of the problem will increase the already higher incidences of unsafe abortions.

Till now the judiciary, the law enforcing agencies and the media are falsely defending themselves by defaming a noble profession, without ever thinking to punish the original perpetrator. While there exists several law like abating an offence- sec 306 IPC; acting in furtherance with a common intention- sec 34 IPC; punishment for seeking an illegal abortion- 312- 315 IPC; and various sections of the PC&PNDT act; the officials and the media are conspicuously silent of punishing the perpetrators. No media has highlighted the punishment awarded for seeking an illegal abortion so far. Even the NCRB data does not reflect the conviction rates under sec 312-315 of IPC. It may be presumed that charging the common man is not financially benefiting to the corrupt officials than threatening the mediocre medical professionals.

It is therefore required that the law makers take a special note of the above and amend the law suitably to curb the practice of illegal sex determination leading to female foeticide instead of leaving provisions which can be misutilised for harassment of medical professionals.

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