

FOGSI and the PC PNDT Act - Views and the Path forward.

The Federation of Obstetrics and Gynecological Societies of India consists of 232 member societies across the length and breadth of the country. Our member societies have as members over 32000 Obstetricians and Gynecologists. We have the privilege of serving the women of our country and we endeavour to do so to the best of our abilities.

FOGSI has been closely associated with the Government at all levels from the national to the district level. It is our members heartfelt wish that the Beti Bachao Beti Padhao slogan should be a reality reflected in every household of our country and to that end we would like to present to the Authorities our thoughts on the PC PNDT Act in particular and on the issue of the girl child in general.

We would like to draw your attention and seek your intervention for the following:

1. It is now becoming a prevalent view that the continually dismal sex ratio in some parts of our country reflects not only societal malaise but also perhaps gaps in the formation, philosophy and implementation of the PC - PNDT Act. We strongly feel that regulation as a strategy can take us only so far and we need to be more imaginative and leap forward with bold new strategies to save the girl child.
2. There is an increasing perception that the bodies which represent professionals were kept out of the loop when the PC PNDT act was conceived and framed. We are sure you will agree that this is a serious matter that the stakeholders most affected by the Act were not involved contrary to the routine practice of involving them when a law is framed. We are happy to note however that FOGSI is increasingly invited to the relevant meetings but we would be happy to further increase our engagement in the work of our Government.
3. We are faced with an onerous responsibility to protect the rights and dignity of our members who feel burdened and are unnecessarily harassed for crimes they are not doing. It is a given that anyone caught perpetuating the heinous crime of sex selection be dealt with in the strictest manner possible, but overzealousness on parts of some authorities is actually causing gynaecologists all over the country to shy away from using the valuable tool of ultrasound and denying the service to the women who need it.
4. We would like to reiterate that FOGSI has a zero tolerance policy on the violators of the issue of save girl child and we all demand punishment on the perpetrators who indulge in sex determination.
5. As physicians we are increasingly stymied by the level of attention being focused on the F form as a tool to determine Guilt. We would request to kindly let us know the true utility of the F form for the purpose of addressing the problem of sex selection and not merely as a tool in the hands of authorities to wield control over innocent doctors who are punished for minor errors.

This practice of equating a form filled wrongly with a grave crime like sex selection is unparalleled in the judicial universe and wrongly presupposes guilt on part of a physician. It has also stifled the imagination of the authorities who take recourse to action on flimsy basis rather than focusing on the cause for which the act was devised.

There is perhaps no substantive evidence which proves that errors in F form equate to sex selection and you will understand that when health care providers are subjected to such glaring inequity in the eye of the law there is increasing malcontent and an abject desire to stop providing Ultrasound services. We believe that the health of the women of our country already fragile as it is, will be adversely affected when such steps are taken.

We would like to emphasise on Graded punishment to make the punishment fit the crime.

6. We assure you that we are willing to follow the Law in letter and spirit. What we would desire is consistence and uniformity of implementation with no overstepping of the boundaries provided in the law. We have for the longest time been asking the authorities to come out with a checklist which would cover all what the practicing doctor is required to do to fulfil commitments to the act. We see no reason why this cannot be rapidly done. It will streamline not only the ability of doctors to follow the act but also the ability of the authorities to inspect centres rapidly and consistently.

As per the CSB a uniform code of conduct has already been designed for the Appropriate Authorities and the team carrying out the inspection at the various sites. this code covers the entire team including the NGO representatives. We urge you to consider implementing this code in the best possible fashion. This will not only help in the uniform implementation of the law but also reduce the friction between the health care providers and the authorities.

7. Although we understand that the purpose of involving the press is an advocacy tool for the Appropriate Authority, we urge you to consider the implications of the presence of the media and press on the reputation of a physician who spends his life developing it. The same applies for the involvement of the police.

8. We request you to validate the complaints received on websites and suo moto actions taken against physicians keeping in mind the fact that they could be motivated by reasons other than the belief in the cause of reducing sex determination. Providing cover to all and sundry under the Good Faith clause seems to be a retrograde step which will result in no substantive benefit to the women of our country born and unborn. It will have a negative impact on the provision of women's health in our country.

9. We would like to point out that overextending the indications for filling forms for Procedures which do not involve obstetric sonography be revoked at. e.g. filling a F form for a follicular study is not only a waste of precious resource but also will not dent the skewed gender ratio

All centres which perform IVF procedures do not have the capability of diagnosing gender. We request that the forms to be filled be clearly enumerated as there is confusion as of now for the paperwork to be recorded by enters providing fertility treatment. This is another area where distressed patients who aim to simply complete their family could potentially face a lack of access and get pushed to quacks who will do more harm than good.

We fear that in the unfettered attention to only documentation the purpose of the Act in reducing Sex determination is being lost and request a refocus on the core issue.

FOGSI has always stood by the aims of the PC PNDT act and has on several occasions and various fora condemned the practice of sex determination and sex selective termination of pregnancy.

FOGSI has always looked upon itself as a partner in reducing the abominable practice of sex determination and strongly advocates gender equity. We strongly believe that together we can get rid of the societal malaise of sex determination.

Sincerely yours,

For and on behalf of Team FOGSI -

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