

State Level Workshop
on
PCPNDT Act: Clarifications and status of implementation at
district level

Report

at



State Institute of Health and Family Welfare, Jaipur

(An ISO 9001: 2008 certified Institution)

February 22-23, 2010



State PCPNDT Cell



SIHF: ISO 9001:2008 Certified institution
State Level Workshop on PCPNDT Act: Feb. 2010

PCPNDT Act came into existence in 1994 with further amendments made in 2003. The step towards implementation was taken with the establishment of PCPNDT Cell at the state level in April 2007 and appointment of the PCPNDT Coordinators at the district level in 2008.

Despite the Act being well framed, it was felt that clarifications from the legal experts was required and thus a two day state level workshop was organized by the State PCPNDT Cell on **clarification and status of implementation of PCPNDT Act** at the district level from February 22-23, 2010 at SIHF.

It was attended by legal experts as Ex Director (RSJA), DLR, Jt. LR, AD (P), APP in the role of resource persons, PCPNDT cell officials, persons from CFAR and UNFPA and the District PCPNDT Coordinators.

Day I

A brief welcome was given by the Health Manager.

Deputy Director (RCH) formally welcomed all and stated the objectives of the workshop. He expressed that as most of the District PCPNDT Coordinators were law graduates and as the CMHOs and other officials with whom they interact do not have sound legal knowledge; the need to have clear concepts regarding the PCPNDT Act becomes very essential.



He stated that Appropriate Authority or the Coordinators cannot work in isolation; they need the help from the prosecution side to make the cases strong and book the culprits. The Additional Director (Prosecution) and the APP assured that they would be willing to provide legal guidance as cases would come to them.



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Director SIHFW made an appeal that 16 years have passed since the Act came into existence and the coordinators need to work hard and be open to take guidance from the legal experts. The cases need to be drawn to logical endings. He focused that they have both a legal and a social responsibility while working with the Act.

The status of registered centers, number of inspections done and FIR lodged in the districts were also dealt with. A briefing about the upcoming sessions and the clarity they would get in them was mentioned.

Session I: Questionnaire Round

A questionnaire to assess the Coordinators knowledge regarding the PCPNDT Act was given. Another questionnaire was given by SIHFW as part of an informal study to get an understanding about the participants' views regarding their work related areas.

Session II: Role of Police under PCPNDT Act



The session was chaired by DLR and Jt.LR (Litigation). The focus was on whether police has any role in implementing the PCPNDT Act and if yes, what is the role.

Experience was shared by the PCPNDT Coordinator from Sriganganagar wherein he stated that police was not ready to take any action due to no clear guidelines provided to them in these matters under the Act.



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A copy of the judgment from Allahabad High Court was circulated which can now be made as the base for involving police in enforcement of the Act. It was opined that a new provision may be added on its basis in the Act.

Session III: Report presentation by CFAR on audit of Form F

Center for Advocacy and Research which had undertaken the audit of Form F made a presentation on the preliminary findings.

Audit of the form F from centers at 6 districts (Alwar, Barmer, Bhilwara, Jaisalmer, Jhunjhunu and Sirohi) was done, wherein forms of alternate months were checked regarding regularity in forms made available, filling of adequate information, declaration by pregnant women and performing doctor, number of doctors available at center, women visiting from district and outside, correlation between number of children and visit made to the center.



The presentation was made with the purpose of not only giving information about what is happening but also indicated where the interventions can be done on basis of information not provided or provided inadequately as they can be a good evidence of violation of the Act.

Day II:

With the recap of the previous day's sessions, the workshop started with general administrative and reporting related queries from the PCPNDT Cell authorities such as failing to send forms online, liaisons



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State Level Workshop on PCPNDT Act: Feb. 2010

with CM&HOs, not receiving Utilization Certificates for the amount sent for IEC material and informer and like.

Session I: Offence under PCPNDT Act & Inspection procedure along with legal formalities



The session started with the welcome of Mr. SNP Dave Ex-Director (Rajasthan State Judicial Academy). Deputy Director (RCH) gave a detail about the procedure to be carried out during inspection of the center. He stressed that no investigation should be carried out unless there is proof of violation of act, otherwise it would be counted as misuse of authority. The procedure

revolved around sending the decoy customer along with the shadow witness and collecting evidences to verify the doubts.

The material to be seized and collected for inspection was discussed. It was repeated that collection of sound evidences is a must to make the case strong similarly coordination between the stakeholders is essential.

The second half of the session was an open discussion wherein the different sections of the Act and the dubious vocabulary were interpreted to consensus. Chaired by the Ex-Director, RSJA, this interactive session facilitated by the legal advisor, lead to various questions coming from the audience side and the persons on the dias cleared them one by one.



State PCPNDT Cell



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State Level Workshop on PCPNDT Act: Feb. 2010

Session II: Complaint Software developed by UNFPA

A complaint software is under construction by UNFPA for registering a complaint under PCPNDT Act.

UNFPA shared in detail about the software specifically developed to ease the procedure of registering a complaint with the facility of keeping anonymity.

The information available and the steps for reporting the issue were discussed. It was highlighted how the information about the complaint would reach the related districts and in turn facilitate quick action, along with the details available for state as well as district for general information on complaints and its status.

The workshop ended with a vote of thanks given by the Deputy Director (RCH) who also expressed that the PCPNDT Coordinators would become active in updating their knowledge, clarifying their doubts and taking actions to implement the Act in the best interest of the society and for the grave problem of declining sex-ratio in particular.