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Supreme Court gives more teeth to law banning sex determination

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Updated: Nov 09, 2016 01:15 IST

 Bhadra Sinha
Hindustan Times



Supreme Court tells high courts to ensure that complaints against pre-natal diagnostics are fast-tracked(Shutterstock)

Concerned over the declining sex ratio in the country, the Supreme Court on Tuesday passed a raft of measures including fast-tracking legal proceedings for effective implementation of the law that bans pre-natal diagnostics.

The directions came on a public interest petition complaining that the sex ratio continued to fall despite the 22-year-old law enforced to prevent female foeticide.

“It needs no special emphasis that a female child is entitled to enjoy equal right that a male child is allowed to have. The constitutional identity of a female child cannot be mortgaged to any kind of social or other concept that has developed or is thought of,” the court said.

As per the verdict, all states and union territories shall maintain a centralised database of all registration units. The information shall be made available on the website. The data must contain birth information for each district, municipality and corporation or gram panchayat.

The authorities shall take steps for constitution of statutory bodies as the law mandates.

Courts, the top court said, should strictly adhere to the Pre-Conception & Pre-Natal Diagnostic Techniques (PNDT) Act that prescribes punishment up to three years of jail.

Direction has been issued to the state high courts to ensure that complaints against pre-natal diagnostics are fast-tracked.

Judicial officers, hearing such matters, shall be periodically imparted training and submit a quarterly report to the high courts on the status of the cases handled.

Chief justices of the HCs will constitute a committee of three judges to oversee the progress of PNDT cases.

“When a female foetus is destroyed through artificial means, which is legally impermissible, the dignity of life of a woman to be born is extinguished. It corrodes the human values,” the bench said.

“The legislature has brought a complete code and it subserves the constitutional purpose,” it said, noticing that the law had failed to achieve its objective.

The court also asked the government to undertake campaigns on radio and television.

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