

# IMPLEMENTATION OF PC & PNDT ACT AND RULES

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**Q Can a person buy a machine by submitting an affidavit and apply for registration simultaneously. Registration at times takes too long.**

**A Under Rule 3 (a), it is essential for the center to be registered prior to sale/ distribution/supply/rent-out/authorization of use of ultrasound/imaging machines.**

**Q Are same Rules applicable for Govt. facilities also ?**

**A Act & Rules in totality are applicable for Govt. facilities also**

**Q Does an IVF/ART center require registration? Similarly, one may not be doing scans for pregnant women, then, what are PC & PNDT Act requirements?**

**A Registration is mandatory under clause 2 (i), (j), (k) & section 18 of the act. in case Genetic laboratory is functioning, record on form-E has to be maintained. in case the center does not entertain scan for pregnant women, it has to display prominently accordingly and may furnish undertaking to this effect to the AA. in case violation is detected, action under the Act will be taken.**



**Q Does a portable machine require a separate registration? Why is the machine not allowed to be used in a patient's home in case of emergency?**

**A Registration is granted for the center and not for the machine and accordingly cannot be used at any other place which is not registered.**



**Q Is it necessary that the application for renewal of registration be made before the registration lapses? What is wrong with requesting renewal soon after the expiry?**

**A Renewal of registration is granted under Rule no. 8 and application has to be made 30 days prior to expiry of registration. once the date expires, the place automatically becomes unregistered and action can accordingly be taken.**

**Q Can the center submit the monthly report in consolidated table instead of individual forms F ?**

**A No, record keeping of USG has to be on form F as per Rule no 9(4) & copies of individual form F have to be submitted to the AA every month.**

**Q Are Govt US centers also to be checked thoroughly for record keeping etc. ?**

**A Yes, law is same.**

**Q** If the Ultra-sonologist doesn't sign form F on the day of scan & report itself & incomplete forms are detected & he/she pleads that he/she will sign it later on, is it offence ?

**A** Yes, complete record keeping including signatures of ultra-sonologist is mandatory as per Rule no. 9(4).

**Q** Can record-keeping be treated as a minor offence as advocated by the Ultra-sonologist?

**A** No. Under the Act and Rules, deficiency in record keeping is violation of section 4 (3)(V) proviso, section 29 & Rule no 9. No offence is considered a minor offence under the Act





**Q Is it mandatory in the act to maintain a patient's register in addition to form F and other forms? There is no prescribed format for the register. Do the details in the register and the form have to tally?**

**A Record on a register showing serial no., names and addresses of men and women, names of spouse or father and date of procedure has to be kept under rule no. 9 (1). One can maintain these columns in an ordinary register. There is no requirement of maintaining a patient's register for Non-PNDT cases. The details have to tally in both.**

**Q How should the AA scrutinize the forms F received from the centers every month ?**

**A I) At random, check if all columns of the form are filled & duly signed by the patient & the Ultrasonologist especially check the forms of suspected centers.**

**II) At random, gather Photostat copies of USG reports of some centers from Anti-natal clinics in Govt Hospitals as well as Pvt. Nursing homes & check if corresponding form F are available or not.**



**Q The experience and qualifications criteria for ultra-sonography are not clearly stated in the Act and Rules and there is confusion among AAs? Please clarify.**

**A The matter is learnt to be under consideration of the MOHFW and MCI. Deliberations on this held during the recent CSB and proposed amendments in Rules will be shared by the ministry shortly**

**Q** How to deal with complaints of harassment made by the centers to the SAA when some action has been contemplated by the DAA against the center?

**A** In case the DAA has taken action under section 20, ask the center to file an appeal under Rule no 19 to the SAA.



**Q** At the time of inspection, can the AA seal the machine without a show cause notice? Shouldn't one get a chance to explain?

**A** Under section 20 (3), the AA can take action in public interest by suspension of registration of the center and automatically once the registration is suspended, the machine will be sealed for the period of suspension.

**Q Can an AA constitute teams for unlimited period for inspection of US centers?**

**A No. Only a person (Officer) specifically authorized for a specific day for a specific day & specific centers by the AA can inspect the centers.**

**Q What does the law say about use of decoy patients?**

**A There is no direct reference to decoy operations in the PC-PNDT Act and Rules. Since the crime of SD and SS is conducted with mutual consent of family, the ultra-sonologist, there is no complainant / evidence, therefore the Govt. or AA can take help of sting operations and decoy patients under section 17 (4) (e).**

**Q What action needs to be taken against Govt. run US centers which do not maintain proper record as per Act & Rules**

**A Action as per Act & Rules has to be taken.**



**Q How to proceed when violation of both MTP as well as PC & PNDT Act is detected at one center/place?**

**A FIR has to be filed for violation of the MTP Act & a court case has to be filed for violation of the PC & PNDT Act separately.**

**Q What is the responsibility of AAs in implementation of the Act & Rules?**

**A The AAs have to perform function (Duties) under section 17(4) & are accountable for enforcement of the Act & Rules in the area of jurisdiction.**

**Q Can any action be taken against AA, Who doesn't perform the assigned functions under the Act ?**

**A Yes, Govt. can initiate administrative action under section 17(4) of the Act.**

**Q What should be done if an AA is pressurized by a leader/influential person/officer for shielding an US center found violating the Act/Rules ?**

**A The AA is accountable for implementing the Act & Rules. He/she is mandated to initiate due penal action under intimation to higher authorities.**



**Q From whom should the AA seek legal opinion?**

**A The AA can seek opinion from the legal member of the Advisory Committee. The AA can also hire a private lawyer for specific court cases., if required**

**Q In the absence of complainant, every US centre can be considered to be violating the Act & Rules. What is the remedy ?**

**A Very few doctors (ultra-sonologists) are indulging into SD but bring a bad name to the whole fraternity. Objective of the PC & PNDT Act is to stop SD/SS and aim is not to harass the medical community. Gather information of suspected centers from field and from health functionaries & keep a close watch specifically on the working of suspected centers.**



**Q Is there any time frame for checking the US/Genetic centers ?**

**A No time frame is specified in the Act/Rules; however the AA needs to check every center at least once in each quarter & send the report to State HQ.**

**Q Can an authorized person suspend or cancel the registration under section 20 of the Act ?**

**A No, only AA has the authority.**

**Q If charges are framed by the court, should the registration of the center be suspended?**

**A Discuss the case in the meeting of the Adv. Committee & consider suspension of the registration until the final decision on the case by the court.**



**Q Can the AA increase/decrease the period of suspension of registration awarded under section 20(1) or 20(3) of the Act ?**

**A The AA cannot change the punishment on his/her own. It can be considered by the Appellate Authority if an appeal has been filed by the erring center.**

**Q Can the Appellate Authority at District or State level keep the appeal pending beyond 60 days of receipt ?**

**A No, as per Rule no. 19(3) each appeal has to be disposed of within 60 days of receipt.**

**Q During inspection of the centers, under which clause of the Act/Rules, the AA should proceed ?**

**A The AA or authorized person should usually proceed under Rule no. 11 & spot memo prepared at the time of inspection should clearly indicate inspection under Rule no. 11. It is a good practice to write the deficiencies detected during inspection in the spot memo, which should be signed there & then by the AA/Authorized person & Ultra-sonologist/owner of the center.**



**Q** If action against an erring center has been taken under section 20, can a court case also be launched or not ?

**A** Yes, court case can also be launched simultaneously along with suspension of registration under Section 20(1) or 20(3).



**Q** Can an Ultra-sonologist conduct USG as a self referred case or a self-referral?

**A** The Ultra-sonologist can conduct self referral USG only if, the said Doctor is running an OPD & also examines pregnant women. He/she has to keep a separate obstetrical checkup record of the Pregnant Woman (PW) examined in his/her clinic. He/she cannot perform USG of PW on the request of patient or relative mentioning the case as self referral or referred by the patient herself

**Q What could be some of the roles to be assigned to the State Nodal Officers ?**

- A**
- i) To help & assist the DAAs in implementation of the Act & Rules**
  - ii) To assist the SAA in State level administrative tasks related to Act implementation**
  - iii) Monthly review of performance of DAAs**
  - iv) Keep a liaison with associated NGO's**
  - v) Gather information of centers suspected of conducting SD/SS from various sources.**
  - vi) Conduct surprise State led inspections along with DAAs**
  - vii) Liaison with MOHFW**

**ANY OTHER QUESTIONS  
PLEASE?**





“गंगा, गीता, गायत्री हैं बेटियाँ  
सीता, सत्या, सावित्री हैं बेटियाँ  
दुर्गा, लक्ष्मी, सरस्वती हैं बेटियाँ”

**बेटियों को केवल पूजना ही नहीं, बचाना है,  
उन्हें सबकी लाइली लक्ष्मी बनाना है।**