

F.No.N.24026/1/2009-PNDT  
GOVERNMENT OF INDIA  
Ministry of Health & Family Welfare  
(PNDT Division)

Nirman Bhawan,  
New Delhi, the 6<sup>th</sup> May, 2009.

To: M/s Wipro GE Healthcare,  
(Shri Jitesh Nambiar, Consultant),  
No.4, Kadugodi Industrial Area,  
BANGALORE - 560 067. (Karnataka).

Subject: Sale of Ultra Sound Machines - Clarifications sought by the Manufacturers.

Sir,

Kindly refer to your E-Mail dated 8.1.2009 on the above subject.

2. The required clarifications, point-wise, is provided in the table below on the basis of the provisions of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PC & PNDT Act, 1994) and the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996:

Sl. No.	Point in respect of which clarification is sought	Response based on the provisions of the (PC & PNDT Act, 1994) and the Rules framed thereunder
(1)	(2)	(3)
A	Whether we can go ahead and sell the Ultra Sound Machines to the customers producing NOC or Provisional Certificates issued by the Appropriate Authority?	<p>Section 3B of the PC &amp; PNDT Act, 1994 prohibits sale of Ultra Sound Machine or any other equipment capable of detecting sex of foetus to any Genetic Counselling Centre, Genetic Laboratory/Clinic or any other person not registered under the Act.</p> <p>Section 19 of the Act and Section 6.2, 6.5 and 8.2. of the Rules framed thereunder stipulate that the Appropriate Authority grant the Certificate of Registration to a Genetic Counselling Centre, Genetic Laboratory/Clinic only in the prescribed Form, i.e. 'Form B'.</p> <p>There is, thus, no scope for issue of NOC or Provisional Registration Certificate in lieu of 'Form B' under the Act and the Rules framed thereunder and hence such Certificates, if issued by any Appropriate Authority, would be invalid under the law. Therefore, sale of or purchase by any Genetic Counselling Centre or Genetic Laboratory/Clinic of Ultra Sound Machines or any equipment capable of detecting sex of foetus against any NOC/Provisional Certification of Registration other than 'Form B' is a violation of the Act and the Rules framed thereunder, even if it is meant to be a stop gap arrangement.</p> <p>Incidentally, all the State/UT Governments are being requested to desist from issuing such NOCs/Provisional Registration Certificates.</p>
B	Whether veterinary clinics shall apply for registration under the PNDT Act or purchase of Ultra Sound Machines?	<p>From the reading of Section 3 to 6 and 18 and the PC &amp; PNDT Act, 1994 and the definition of various terminologies used therein, <i>vide</i> Section 2 of the Act, it becomes obvious that the scope of the Act and the Rules framed thereunder is limited to regulating the Genetic Counselling Centres, Genetic Laboratories/Clinics and the pre-natal diagnostic techniques for the purposes of preventing selection of sex before or after conception and determination of sex of the foetus.</p> <p>In view of the above, there is no mandate for registration of Veterinary Clinics with the Appropriate Authorities for purchasing Ultra Sound Machines for their use.</p>

		<p>However, with the view to pre-empting possible diversion of the Ultra Sound Machine purchased by the Veterinary Clinics to Genetic Counselling Centres/ Genetic Laboratories/ Clinics or elsewhere and their subsequent misuse, the Manufacturers, before selling the Ultra Sound Machines to the Veterinary Clinics, should insist on the Veterinary Clinics to furnish an undertaking against misuse of the equipment within its premises and against diverting the Ultra Sound Machine to any person or entity not registered with the Appropriate Authority under the PC &amp; PNDT Act, 1994 much like the affidavit obtained under Section 3A.3 of the Rules framed under the Act and, in the event of such diversion, to inform the Manufacturers and the concerned Appropriate Authority about the details of such diversion/resale.</p>
C.	<p>Whether the PNDT Certificates issued by the Appropriate Authority without their seal and stamp are valid?</p>	<p>The Certificate of Registration furnished in prescribed 'Form B' should be complete in all respects, including the signature, name and designation of the stamp/seal of the Appropriate Authority issuing the Appropriate Authority. Otherwise, such Certificate would be invalid.</p>
D.	<p>What does the law says, when a person applies for PNDT registration and there is no communication from the authority confirming or rejecting the renewal of PNDT registration?</p>	<p>Section 8.6 of the Rues framed under the PC &amp; PNDT Act, 1994 stipulate that in the event of failure of the Appropriate Authority to renew the certificate of registration or to communicate rejection of application for renewal of registration within a period of ninety days from the date of receipt of application for renewal of registration, the certificate of registration shall be deemed to have been renewed.</p> <p>However, under such circumstances, the Manufacturers should insist on the Genetic Counselling Centres/ Genetic Laboratories/ Clinics to furnish attested documentary evidence of filing the application for renewal of their Registration as provided under Section 8.1 to 8.4 of the Rules framed under the Act along with an attested copy of their existing Registration Certificate, before selling the Ultra Sound Machine or any other equipment capable of detecting the sex of the foetus, to such Centres/Clinics.</p>

Yours faithfully,

  
(Kal Singh)

Director (PNDT)

Tel./FAX: 23063523.

Copy for information & necessary action to all Manufacturers of Ultra Sound Machines.

  
(Kal Singh)

Director (PNDT)