

Clarification regarding the powers of State Appropriate Authority and closure of unused/idle/surrendered ultrasound machines [12 May 2015]

No. V.11011/05/2013 - PNDT
Government of India
Ministry of Health & Family Welfare
(PNDT Division)

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Nirman Bhawan, New Delhi
Dated the 12th May, 2015

To,

The Principal Secretaries
(Health & FW),
All States/UTs,

Subject:- Decisions taken in 22nd Meeting of the Central Supervisory Board (CSB) held on 13th October, 2014 under the Chairmanship of Hon'ble Minister of Health & FW - reg.

Sir,

I am directed to say that an Expert Committee was constituted to re-examine the provisions of the PC & PNDT Act, 1994 and rules framed thereunder. The expert committee had given clarifications regarding the powers of State Appropriate authorities and the closure of unused/idle/surrendered Ultrasound machines. The recommendations were placed in the 22nd Meeting of the Central Supervisory Board (CSB) [constituted under the Pre-conception and Pre-natal Diagnostics Techniques Act (PC & PNDT Act), 1994] held on 13th October, 2014 under the Chairmanship of Hon'ble HFM. The CSB has endorsed the following recommendations made by the Expert Committee:-

- (i) *Same powers have been given to State Appropriate Authorities (SAA) as also to District Appropriate Authorities (DAA). SAA being an appellate authority over and above DAA with the jurisdiction for whole state, it has powers to direct the DAAs. In case DAA fails to implement the provisions of the PC & PNDT Act, 1994, SAA can take direct action against any violator of the PC & PNDT Act, 1994 and rules framed thereunder.*
- (ii) *The closure of unused/idle/surrendered Ultrasound machines lying in the registered clinics by the District Appropriate Authorities should be termed as voluntary decommissioning of equipment in place of sealing. Such terminology will de-legalize the process as it is voluntary in nature and is not done against any charge of offence.*

2. In view of above recommendations of CSB, you are requested to take further action and disseminate the same among all stakeholders.

Yours faithfully,


(Subhash Chandra)

Deputy Secretary to the Government of India
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