

DIRECTORATE OF FAMILY WELFARE, GOVT. OF NCT OF DELHI

B&C Wing, Level - 7, Vikas Bhawan - II
Near Metcalf House, Civil Lines, Delhi - 110054
Ph: 23813477, Fax: 23813220 & Email Id: cmopndt@gmail.com

No.9 (7)11/PNDT/DFW/12

Dated:

O,

All Chief District Medical Officers

Sub:- Gazette notification Amendment under PC & PNDT Act.

Sir/Madam,

The copies of the Gazette Notification of Amendments under PC & PNDT Act dated 7th February 2012 were shared with all District Appropriate Authority, Chief District Medical Officers and Nodal Officer on 10/09/2012 and 25/09/2012 through the mail.

Further the Gazette Notification of Amendments dated 4th June 2012 and subsequent order of Hon'ble High Court dated 23/07/2012 and 27/07/2012 were also discussed in State Supervisory Board Meeting on 15/10/2012 with all District Appropriate Authority and same were forwarded to all District Appropriate Authority/Chief District Medical Officer/Nodal Officer on 11/12/12, 11/01/2013 and 18/02/2013 through mail and post and the same were required to be forwarded to all the centres in the district for awareness.

All Nodal officers are hereby requested to kindly submit the compliance report, whether the same have been forwarded to all the centres in their respective districts. In case any district has failed to issue this to registered centres, should do it on urgent basis and send the compliance report within a week's time.

Best Regards

(Dr. Shalley Kamra)
SPO, PNDT

No.9 (7)11/PNDT/DFW/12 5817-24

Dated: 21/9/13

Copy to:-

1. PA to Secy. (H&FW), I.P. Estate, 9th Floor, Delhi Secretariat, New Delhi
2. Mission Director, 6th Floor, Vikas Bhawan -II, Civil Lines, New Delhi -54
3. Director, Directorate of Family Welfare, 7th Floor, Vikas Bhawan-II, Civil Lines, New Delhi-54
4. Medical Superintendent - All Govt. Hospitals
5. Deputy Commissioner's - All Districts
6. SDM's - All Districts
7. Guard file

(Dr. Shalley Kamra)
SPO, PNDT

① Dms issue o/o in respect of Gazette notification
② I/c Radiology for Compliance & A/c discuss
③ on our website Ann IIT I/c

For
9/9/13

↓
Again to upload
& give it back to
me
SO

HFV/12/12
25/06/12
SPEED POST
IMMEDIATE

No. N.24026/60/2008-PNDT (Pt.)
GOVERNMENT OF INDIA
Ministry of Health & Family Welfare
(PNDT)

Nirman Bhawan, New Delhi,
Dated the 21st June, 2012.

To,
The Health Secretaries
All States/UTs
(As per list enclosed)

Subject: Amendment to the PC & PNDT Rules, 1996 - Forwarding of Notification
No. GSR 418(E) dated 05.06.2012 - reg. .

Sir,

Kindly find enclosed herewith a copy of Notification No. G.S.R. 418(E) dated
5th June, 2012 regarding Amendment to the PC&PNDT Rules, 1996 for information
and necessary action.

Encl.: A/a.

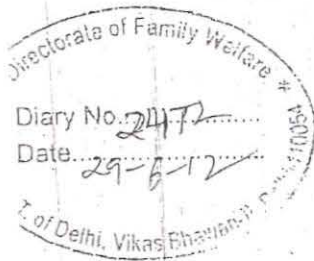
Yours faithfully,

(Anuradha Vemuri)
Director

Telefax: 011-23062432.

1 (ATK)

DFW



DFW
SP. PNDT
SP. PNDT

क्लीनिक/केन्द्रों में ही पंजीकृत कराने की अनुमति प्रदान की जायेगी। प्रत्येक क्लीनिक/केन्द्र के द्वारा इन कित्सा व्यावसायियों के परामर्श घंटे स्पष्ट रूप से निर्दिष्ट किए जायेंगे।"

उपर्युक्त नियमों के अधीन नियम 5 के उप नियम (1) में निम्नलिखित उप नियम शामिल हैं:

(क) मद संख्या (क) में शब्द एवं अंकों में 3,000.00 रुपये शब्द के स्थान पर पच्चीस हजार रुपये" होंगे।

(ख) मद संख्या (ख) में शब्द एवं अंकों में 4,000.00 रु. शब्द के स्थान पर "पैंतीस हजार रुपये" होंगे।

उक्त नियमावली के नियम 13 में "ऐसे परिवर्तन के तीस दिनों के अन्दर" के स्थान पर "ऐसे वर्तन की संभावित तारीख से कम से कम तीस दिन पूर्व और समुचित प्राधिकारी से पंजीयन पत्र के पुनः जारी करने का अनुरोध जिसमें परिवर्तन का विधिवत समावेश होगा"।

[फा. सं. 24026/60/2008-पीएनडीटी]

मनोज झलानी, संयुक्त सचिव

गी : मूल अधिसूचना जी.एस.आर. 1(ई.) दिनांक 1 जनवरी, 1996 द्वारा भारत के राजपत्र में प्रकाशित हुआ था और बाद में अधिसूचना सं. जीएसआर 109 (ई.), दिनांक 14.2.2003, जीएसआर 426 (ई.) दिनांक 31.5.2011, जीएसआर 80(ई.) दिनांक 9.2.2012 द्वारा संशोधित किया गया।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 7th February, 2012

In exercise of the powers conferred by section 32 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (57 of 1994), the Central Government hereby makes the following further amendments to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 namely :-

the said rules may be called the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Rules, 2012.

These rules shall come into force on the date of their publication in the Official Gazette.

In the Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 (herein after referred to as the said rules) in rule 2, after clause (f), the following clauses shall be inserted,

“Medical Unit” means a mobile vehicle which provides specialised facilities for the rendering of basic specialist services and provides improved access to healthcare facilities and the distribution of health services at the doorsteps, across the country, especially in the rural areas’.

stand alone mobile ultrasound clinic offering only pre-natal diagnostic facilities and d.

mobile medical unit offering diagnostic services shall have adequate space for providing to patients".

said rules, in rule 4, after sub-rule (ii), the following sub-rule shall be inserted, namely:-

the registration of a genetic clinic shall also include the registration of each and every mobile clinic offering pre-natal diagnostic facilities as part of a medical mobile unit and such a unit as to be registered as a mobile genetic unit".

said rules, in rule 6, after sub-rule (2), the following sub-rules shall be inserted, namely:-

) One copy of the certificate of registration shall be displayed by the registered mobile unit inside the vehicle at a conspicuous place.

certificate of registration for such unit, shall clearly specify the following :-

- (I) the area of its operation, which shall not exceed the district wherein it is registered;
- (II) the number of portable machines installed and being used in the vehicle;
- (III) the make and model number of the portable machine;
- (IV) the registration number of the vehicle;

COURT CASE/IMMEDIATE

1

W.12017/09/2012-PNDT

Government of India

Ministry of Health and Family Welfare

Registered post



Nirman Bhawan, New Delhi

Dated 16th October, 2012

: Order of the Hon. High Court of Delhi, dated 19.09.2012, in W.P (C) 4009 of 2012 Indian Radiological and Imaging Association (IRIA) Vs Union of India and Medical Council of India

am,

This is with reference to the Gazette Notification of Ministry of Health and Welfare, G.S.R.418, dated the 4th June, 2012 through which the Central Government made amendments to the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 which are called the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Rules, 2012.

The constitutional validity of the Rule 3(3) which regulates each medical centre to conduct ultrasonography in a genetic clinic/ultrasound clinic/imaging centre to a maximum of two clinics/centres was challenged before the Hon'ble High Court of Delhi in the case of *Dr Rajeev Vasant Zankar Vs Union of India and Ors. W.P (Lodg.) No 4009 of 2012* wherein the petitioner was admitted and the Division Bench through its Order dated 07.07.2012 issued an ad-interim stay on the operation of Rule 3(3). To defend its case, the Union of India has filed a detailed Affidavit-in-reply in the case placing on record the facts and the circumstances leading to the amendment of Rule 3.

The Notification was concurrently challenged in the High Court of Delhi in the case of *Indian Radiological and Imaging Association Vs Union of India, W.P (C) 4009 of 2012* wherein the petitioner challenged the constitutional validity of all the provisions namely Rule 5 (1) and Rule 13 of the Gazette notification as being unconstitutional, ultra vires and beyond the scope of the Parent Act. The Ministry of Health and Family Welfare has filed a detailed reply in the instant matter. However based on the premise of the Bombay High Court, the Division bench in Delhi also issued an ad interim stay on the application of Rule 13.

On the issue of Rule 13 the bench opined that the condition of an advance of 30

.P.(C) 4009/2012

DIAN RADIOLOGICAL AND IMAGING

SOCIATION (IRIA) and ANR Petitioners

through: Mr. Vikas Singh, Sr. Adv. with Ms. Nanda Devi, Mr. Sanket and
Mr. Aman Panwar, Advs.

versus

UNION OF INDIA AND ANR Respondent

through: Mr. Rajeev Mehra, ASG with Mr. Sumeet Pushkarna and Mr. Ashish
Kumar, Advs. for R-1.

Mr. Ashish Kumar, Adv. for R-2.

DRAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

9.09.2012