



बेटी बचाओ

Save the girl Child

State PCPNDT Cell/2010/Cir/ 219

Directorate of Medical Health & Family Welfare
State P.C.P.N.D.T. Cell
Rajasthan, Jaipur

Date

11/6/11

CIRCULAR NO 2/2010

Subject: - Registration and regulation of Sonography Centre

1. The undersigned is directed to invite attention to provision contained in PCPNDT Act 1994 (hereafter called The Act) which provide for grant, renewal permission and regulation to registration certificates of Sonography centres accordance with the Act.
2. It has been brought to the notice of the Directorate that presently centres registered are frequently running their activities, keeping their machine in continually change of place, one building to another building/vehicle as additional machine or otherwise, only on the basis of intimation and extending their activities, more than one machine (which is not permissible without prior permission of the Appropriate Authority) without availability of qualified employee authorised or place, under the cover ship of earlier granted certificate on one qualified employee.
3. It has been also found by State Inspection Team (SIT) during Inspection of centre in Jaipur that one of employee expertise radiologist keeping more than one and up to four ultrasounds machines, in the building at one registered place, without proper grant upon applications or intimation, as per the Act.
4. In this context it is entirely appropriate to mentioned Legal scenario as follows:-

"As per provision of PCPNDT Act(Rule 6) .Certificate of registration.-

(1) The Appropriate Authority shall, after making such enquiry and after satisfying itself that the applicant has complied with all the requirements, place the application before the Advisory Committee for its advice.

(2) Having regard to the advice of the Advisory Committee the Appropriate Authority shall grant a certificate of registration, in duplicate

Provided that the Appropriate Authority may grant a certificate of registration to a Genetic Laboratory or a Genetic Clinic to conduct one or more specified pre-natal diagnostic tests or procedures, depending on the availability of place, equipment and qualified employees, and standards maintained by such laboratory or clinic".

(10)

As per intention of the Act, as mentioned above, additional machine provision only applies when initially application of registration was applied for one or more tests and registration was granted as per provision of rule 6(1) after satisfying about availability of place, equipment and qualified employees; but; if once registration was granted initially for one test, only for one machine(equipment) and afterwards if requisition for additional machine(equipment) comes, then it must be examined again under Rule 6(1) after making enquiry and after satisfaction of the Appropriate Authority about availability of place, equipment and qualified employees, and standards maintained by such laboratory or clinic, thereafter proposal should be placed before the Advisory Committee and permission for additional machine may be granted on earlier certificate issued. Hence this is the legal position of additional machine to be taken on earlier certificate, so only intimation of additional machine is not proper accordance with the Act (intimation refers only change of machine rather than additional)

PCPNDT Rule-13. Intimation of changes in employees, place or equipment. –

“Every Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall intimate every change of employee, place, address and equipment installed, to the Appropriate Authority within a period of thirty days of such change”.

As mentioned above (PCPNDT Act- Rule 13) it is understood that machine may be changed from registered place, only under intimation to the Appropriate Authority, means on the event of every change of equipment. Thus this rule does not confer any additional machine to be taken on earlier certificate, only under intimation to the Appropriate Authority.

5. Regulations of Centres accordance with the Act:-

With a view to existing grant and regulation, the matter has been examined and it has been further decided that all registration certificates should be examined strictly accordance with the Act, as follows:-

(A) The Appropriate Authority may review all registration certificates issued and be examine, how many machines are at the centre concerned in comparison of qualified employee authorised and availability of place to operate them, if there is gap between, and then reconcile the issue accordance with the Act. Excessive machines may be put under sealing if it's not granted & taken in accordance with the Act.


(B) Show cause notice under PCPNDT Rule 6(3) may be issued to centre concerned to produce their eligibility for availability of qualified employee, authorised to operate those machine including place, as per requirement of the Act.

(C) If earlier, there is any intimation or afterwards any applications comes for additional machine, to be taken on earlier certificate, the Appropriate Authority shall after complying provision under Rule 6(1) and (2) after making such enquiry and after satisfying itself, about availability of place, equipment, qualified employees and standards maintained by such laboratory or clinic, place the application before the Advisory Committee for its advice. Having regard to the advice of the Advisory Committee, the Appropriate Authority shall, grant fresh permission, for additional machine to be taken on earlier certificate issued,.

(D) Under rule 6 (3) If, after enquiry and after giving an opportunity of being heard to the applicant and having regard to the advice of the Advisory Committee, the Appropriate Authority is satisfied that the applicant has not complied with the requirements of the Act and these rules, it shall, for the reasons to be recorded in writing, reject the application for registration for additional machine and communicate such rejection to the applicant as specified in Form "C",

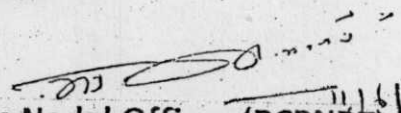
6. It has been further decided that the Appropriate Authority shall send compliance report within one month, along with certification, that all registration certificates are accordance with the Act.

This order shall take effect immediately.


State Nodal Officer (PCPNDT)
& Director (FW)
Medical and Health Services
Rajasthan, Jaipur

Copy to information and necessary action:-

1. PS to Principal Secretary, Medical Health & FW, Rajasthan.
2. PS to Spl. Secretary Health & Chairperson, State App. Auth. Rajasthan.
3. Addl. Director (RCH) Medical & Health Services, Rajasthan.
4. All. JD's Zone Medical & Health Services Rajasthan.
5. All Dist Appropriate Authorities & Dist Collectors Rajasthan.
6. All Dist. Nodal Officers & CMHO's Rajasthan.
7. All Sub-District Appropriate Authorities, Rajasthan.
8. Central Server Room, HQ Jaipur, Rajasthan.


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