

# Relief from high court against restriction imposed by appropriate authority under PC-PNDT act on number of ultrasound centers visited by a Sonologist

Dear Sir,

The appropriate authority under PCPNDT act (Nagpur Municipal Corporation) had imposed restriction in July 2011 on number of Ultrasound centers visited by a Sonologist to maximum three.

The Vidarbha chapter of MSBIRIA had represented to the authority questioning the legal and fundamental right violation. As there was no response, Vidarbha chapter through its president filed a writ petition in Nagpur bench of Bombay High Court (No 1095/2012). We pleaded that by imposing embargo on number of ultrasound clinics visited by a sonologist, there is violation of article 14 and 19 (1) (g) of the Constitution of India. These articles give every Indian citizen a right of free trade and practice. Also, we have questioned how this restriction will improve female child sex ratio. The high court initially granted a stay on the communication issued by the appropriate authority.

In the next hearing, the appropriate authority informed the court that they were unconditionally withdrawing the restriction on number of places visited by a radiologist. This has come as a relief to radiologists practicing in big cities who are working at multiple places. It may be noteworthy that similar restrictions in oral or written form have been issued at various places in Maharashtra.

Every appropriate authority at local or State level are forming their own rule at their whims and fancies and issuing various oral instructions hampering our day-to-day working. Most of such instructions are not found in the act itself. It is observed that they do not give written instructions. This results in ambiguity and confusion in the minds of sonologists.

Examples of frivolous instructions:

1. Form F to be filled in duplicate and one copy to be submitted to AA which is not mentioned in act.
2. Form F should be filled up by doctor himself.
3. Veracity of the address given by the patients is the Doctor's responsibility which is absurd and doctor has no means to verify the address.
4. Check list to be submitted monthly. Check list is responsibility of the medical officer in charge of the USG center.
5. Monthly report to be submitted before 30<sup>th</sup>. Act says the report should be submitted by 5<sup>th</sup> of next month.
6. Copy of act to be kept in waiting area on reception table only. Act says copy of the act should be made available.
7. Size of display boards in waiting/USG room is of specific size. Act does not mention any specific size.
8. Nobody except patient and her husband/blood relative be present in USG room, not even junior doctor or resident as in a medical college/teaching hospital. How will the residents learn USG if he is debarred from the USG room?

We suggest our members not to accept any instruction that is not mentioned in the act and ask for written instructions. Such orders which do not have a place in PCPNDT act can be easily challenged in the court of law. Our case is such example where we fought under Vidarbha Chapter of IRIA and got legal relief.

Thanking you,

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