

REKHA BAKSHI  
MANAGING PARTNER

## INDUS LAW ASSOCIATES

**DATED: 24.04.2021**

### **TO WHOMSOEVER IT MAY CONCERN**

Under instructions from and on behalf of our client Indian Association of Clinical Cardiologists having its registered office at Pulikkal Post Office Malappuram District Kerala, Pin- 673 637, we issue the instant notice for your information and necessary compliance:

1. The Indian Association of Clinical Cardiologists (**'IACC'**) is a Registered association of approximately 1700 doctors having completed the Post Graduate Diploma in Clinical Cardiology (**'PGDCC'**) from the Indira Gandhi National Open University (**'IGNOU'**.)
2. The IGNOU is a University established by an Act of Parliament in 1985 by the Government of India and is a Central University of repute being run by the Government of India. In 2006, the Central Government, through the Ministry of Health & Family Welfare conceptualized the Diploma course in Clinical Cardiology for imparting knowledge of Clinical Cardiology (non-invasive) to MBBS doctors under guidance of renowned professors of cardiology. The said course was being taught on regular basis (full time) for the duration of 2 years in renowned Medical Colleges and Hospitals in India which are

**B-17, 3<sup>rd</sup> Floor Jangpura Extension New Delhi**  
**Tel: +91 9999537130 +9143582788,**

**REKHA BAKSHI**

**MANAGING PARTNER**

## **INDUS LAW ASSOCIATES**

Medical Council of India (MCI) / Diplomat in National Board(DNB) accredited.

3. The PGDCC is a valid, UGC Recognised, 2 year full time Diploma awarded in terms of Section 5 of the IGNOU Act, 1985 and also under Section 3 of the Medical Degrees Act, 1916. The PGDCC is also liable to be recognized as valid Diploma by the Medical Council of India (now National Medical Commission) under the provisions of the extant rules as per the directives of Honble Delhi High Court.
4. The Hon'ble High Court of Delhi vide judgment dated 17.09.2019 in Writ Petition (Civil) No. 11819/2016 directed the Government of India after consulting the Medical Council of India (now National Medical Commission) to consider grant of formal recognition to PGDCC Diploma from IGNOU under the Indian Medical Council Act, 1956. The Hon'ble Delhi High Court again vide its order dated 05.04.2021 in Writ Petition (Civil) No. 9742 of 2018 directed the National Medical Commission ('NMC') to take a decision in this regard and notify the Hon'ble Court forthwith. Therefore, the issue of grant of formal recognition to the PGDCC course from IGNOU by the GOI is pending consideration & is in the final stage under directions of the Hon'ble Delhi High Court.
5. In the intervening period, several members of the IACC are being harassed by various District and State Appropriate authorities on the

**B-17, 3<sup>rd</sup> Floor Jangpura Extension New Delhi  
Tel: +91 9999537130 +9143582788,**

REKHA BAKSHI  
MANAGING PARTNER

## INDUS LAW ASSOCIATES

issue of new registration as well as renewals under the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 ('PCPNDT Act') for performing & interpreting 2D Echocardiography (Ultrasound of heart).

6. It is hereby intimated to all concerned authorities that the PGDCC doctors / members of the IACC have preferred Writ Petition (Civil) No. 9742 of 2018 before the Hon'ble High Court of Delhi on the issue of non-registration & denial of Reregistration (renewal) under the PNDDT Act, and the Hon'ble High Court has, vide its order dated 05.04.2021 observed the NMC is already seized of the issue of grant of recognition to the PGDCC course, therefore, pending such a decision by the NMC, no coercive action ought to be taken against the PGDCC doctors / members of the IACC. The Hon'ble High Court has further granted liberty to the PGDCC Doctors, members of the IACC to report any such coercive step taken against the doctors, to the Hon'ble Delhi High Court.

[A copy of the order dated 05.04.2021 in Writ Petition (Civil) No. 9742 of 2018 by Hon'ble High Court of Delhi is **ANNEXURE A/1**]

7. Therefore, in view of the above express directions of the Hon'ble High Court of Delhi, it is hereby intimated to all concerned that any coercive action taken against the member doctors of the IACC in relation to

**B-17, 3<sup>rd</sup> Floor Jangpura Extension New Delhi**  
**Tel: +91 9999537130 +9143582788,**

**REKHA BAKSHI**  
**MANAGING PARTNER**

## **INDUS LAW ASSOCIATES**

non-registration or pending re-registrations / renewals under the PNDT Act shall be in teeth with the observations of the Hon'ble High Court of Delhi and the IACC shall be constrained to notify the Hon'ble Delhi High Court of such coercive measures and seek appropriate directions against the authorities contemplating such action.

8. It is further notified to all concerned that the PGDCC Doctors / members of IACC are not involved in any ante-natal scanning with the potential of sex-determination and therefore, insistence of registration under the PCPNDT Act is also misconceived and contrary to the orders of the Central Government in this regard.
9. Concerned authorities are also hereby informed that the Central Government vide its order dated 30.12.2015 No. N.12.026./21/2015-PNDT has explicitly permitted specialists in fields other than ultrasonography for Ante Natal scanning (Abdomen & Pelvis) to be registered under the PNDT Act, on furnishing an affidavit that the machine shall not be utilized for Ante-Natal scanning (Abdomen & Pelvis). It is stated that the PGDCC doctors / members of the IACC are specially trained for 2 years (24 months) to perform & interpret 2D Echocardiography (Ultrasound of Heart) in course of their specialization in Clinical Cardiology(PGDCC) and do not undertake any ante-natal scanning & are ready to furnish an affidavit and

**B-17, 3<sup>rd</sup> Floor Jangpura Extension New Delhi**  
**Tel: +91 9999537130 +9143582788,**

**REKHA BAKSHI**  
**MANAGING PARTNER**

## **INDUS LAW ASSOCIATES**

therefore, refusal of PCPNDT registration& renewals to the PGDCC doctors is also contradictory to the order of the Central Government.

[A copy of the order of the Central Government PNDT Section dated 30.12.2015 No. N.12.026./21/2015-PNDT is **ANNEXURE A/2**]

10. Finally, it is also intimated to concerned authorities that the PGDCC doctors from IGNOU are eligible for grant of registration under the PNDT Act inasmuch as the PGDCC doctors are MBBS Doctors (Registered Medical Practitioner) who have aValid, UGC Recognised Post graduate Diploma in Clinical Cardiology from the Central University viz. IGNOU and are fully eligible to open and work in an Ultrasound clinic (Genetic clinic) as per section 3(3)(1) b of PCPNDT Act as cited and are eligible to conduct &Interpert 2D Echocardiography without any restriction and without having to face coercive action at the instance of the authorities.
11. It is reiterated that the PGDCC Doctors from IGNOU / members of IACC doctors are not involved in ante-natal scans. It is further reiterated that the Hon'ble High Court of Delhi is seized of the matter and has observed that no coercive steps should be taken against the IACC doctors vide its order dated 05.04.2021, therefore, any action taken against the IACC doctors under the PNDT Act shall be

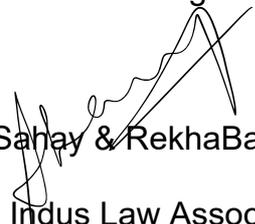
**B-17, 3<sup>rd</sup>Floor Jangpura Extension New Delhi**  
**Tel: +91 9999537130 +9143582788,**

**REKHA BAKSHI**  
**MANAGING PARTNER**

## **INDUS LAW ASSOCIATES**

immediately brought to the notice of the Hon'ble Delhi High Court with a prayer to initiate immediate action for harassment of the IACC doctors who are rendering yeoman service to the nation, particularly in the time of the National Emergency of COVID-19.

The instant notice is being issued without prejudice to the rights and contentions of the Indian Association of Clinical Cardiologists.

  
[Shaurya Sahay & Rekha Bakshi]

Indus Law Associates

**Enclosed:**

1. A copy of the order dated 05.04.2021 in Writ Petition (Civil) No. 9742 of 2018 by Hon'ble High Court of Delhi;
2. A copy of the order of the Central Government PNDDT Section dated 30.12.2015 No. N.12.026./21/2015-PNDDT

ANNEXURE A/1

\$~10

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 9742/2018 & CM APPLs. 37951/2018 & 6432/2021**  
INDIAN ASSOCIATION OF CLINICAL CARDIOLOGISTS AND  
ORS. .... Petitioners

Through: Mr. Shaurya Sahay, Advocate

versus

UNION OF INDIA AND ORS. .... Respondents

Through: Mr. Devesh Singh, ASC, GNCTD  
with Ms. Sukriti Ghai and Mr. Manas  
Bharnagar, Advocates for  
Respondents No.7 & 8  
Mr. T.Singhdev, Ms. Michelle B.Das  
and Mr. Abhijit Chakraborty,  
Advocates for Respondent No.9/NMC  
Mr. Farman Ali, Advocate

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **05.04.2021**

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. Ld. counsel for the Union of India is stated to have sent a document to the Court Master. Let the same be brought on record, along with an affidavit.
3. Ld. counsel for the Petitioner prays for interim orders.
4. Since the matter is being reconsidered by the National Medical Commission (*hereinafter*, 'NMC'), if any coercive measures are taken by the authorities against the members of the Petitioner, the Petitioners are permitted to approach this Court by way of an application.

5. In the meantime, the NMC shall take its decision within a period of four weeks and place the same on record.
6. List for hearing on 7<sup>th</sup> July, 2021.

**PRATHIBA M. SINGH, J.**

**APRIL 5, 2021**

*mw/T*

ANNEXURE A/2

No. N. 12.026/21/2015-PNDT

Government of India

Ministry of Health & Family Welfare

[PNDT Section]

Nirman Bhawan, New Delhi

Dated the 30, December 2015

To,

Shri Kishna Ram Esharwal,  
Dy Director (RCH) & In-Charge State PC-PNDT Cell,  
Directorate of Medical Education and Family Welfare Services,  
Rajasthan, Jaipur

Subject: Registration under –PC & PNDT Act.

Sir,

I am directed to refer to your letter No. State PC-PNDT Cell/LA-18(b)/2015/881DATED 20.07.2015 on the above subject. in this matter, regarding the qualification, and eligibility for using an ultrasound machine under the registration of PC & PNDT Act, it is clarified that all PG in Radiology/Obstetrics & Gynecology can do the Sonography for Ante Natal Checkup.

2. All the other medical post graduates and DNB holders can use ultrasound equipment in their specialized field in case Ultrasound is required in that specialized field. They however, need to be registered under the PC & PNDT Act, giving u self, explanatory affidavit specifying the use of ultrasound would be for so and so purposes and not for ANC checkups. This affidavit is to be submitted along with the application.



3. However, the Registered Medical Practitioner, Medical Post Graduates and DNB ( Except in Radiology & Obstetrics & Gynecology) who are registered under PC & PNDT Act, and are using ultrasound equipment for abdomen and maternal checkup, need to qualify competency based exams specified in Schedule II of six Month training Rules, 2014 for the renewal of registration under PC & PNDT Act.

4. Further, in case, the Category of doctors at para 3 above fail to qualify the competency based assessment, they would have to undergo six-month, training as prescribed in the "Six -Month Training Rules" Gazette notification No. G.S.R.14 (E) Dated 10<sup>th</sup> January, 2014 under PC & PNDT Rules, 1994 for the purpose of renewal) of registration under PC & PNDT Act.

5. This issues with the approval of JS (RCH)

Your faithfully,  
Sd/-

(D.K.SAHU)

Under Secretary to the Govt. of India.

Tel-23062660

**TRUE COPY**

