BEFORE THE Xth METROPOLITAN MAGISTRATE COURT SAIDAPET CHENN­AI

CC No. /2017

DISTRICT APPROPRIATE AUTHORITY

FOR DISTRICT UNDER PRE- CONCEPTION &

PRE- NATAL DIAGNOSTIC TECHNIQUES

(PROHIBITION OF SEX SELECTION) ACT

(CENTRAL ACT) NO.57 OF 1994 &

THE JOINT DIRECTOR OF HEALTH SERVICES(ACT)

OFFICE OF THE DIRECTOR OF MEDICAL AND RURAL HEALTH SERVICES, TEYNAMPET, CHENNAI DISTRICT. - COMPLAINT

VS

Dr.MALLIGESWARI NANDAKUMAR,

KARANI SCAN CENTER,

SRI BALAJI ENT AND MATERNITY CLINIC,

NO.29.SADAYAPPAN STREET,

SAIDAPET,

CHENNAI – 600 015. ACCUSED

 COMPLAINT FILED UNDER SEC 28(1) OF THE PCPNDT ACT 1994 FOR OFFENCES UNDER SEC 29 PUNISHABLE UNDER SECTIONS 25 OF THE PRE - CONCEPTION & PRE- NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT (CENTRAL ACT) NO.57 OF 1994

\*\*\*\*\*

I, Dr. V. P. Hari Sundari, the Complainant and the District Appropriate Authority for Chennai District, under THE PRE CONCEPTION AND PRE NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION SEX SELECTION) ACT (CENTRAL ACT No.57 of 1994) and the Joint Director of Health Services(Act), Chennai District nominated under Sec.17(3b) of the said Act and as per G.O.Ms. No 308, dated 24/12/2013, Health and Family Welfare Department, Chennai-9 have authorized to implement several provisions of the Act including conduct of investigation and to take appropriate legal action into any alleged breach of the provision of the Act by any Genetic clinic or Genetic counseling centre or institution or unit or by person any operating in Chennai District and to search and seize the relevant material objects, documents and records pertaining to the erring institutions.

 It is submitted that, M/s Karani Scan Center,Sri Balaji ENT and Maternity clinic,No.29.Sadayappan street, Saidapet, Chennai – 600 015. administrated by Dr.Malligeswari Nandakumar.

 Dr. V. P. Hari Sundari, District Appropriate Authority and Joint Director of Health Services(Act), Chennai, Mr. Kamalakannan, Office Superintendent, Directorate of Medical and Rural Health Services, Chennai – 6, Mr. C. Natarajan, Assistant, Director of Medical and Rural Health Services have paid a surprise visit to

M/s Karani Scan Center, Sri Balaji ENT and Maternity Clinic,

No.29.Sadayappan street, Saidapet, Chennai - 15 on 31\03\2017 at 2.00 pm.

 On Inspections It was found that scan machine was functioned inside the consultation room of Dr.Malligeswari Nandakumar. There was no separate scan room.

 On verification of Form F during the inspection on 31/03/2017, it was noticed that Form F were not maintained for Antinatal mothers were scanned without documentation. The same was deposed before the team by Dr.Malligeswari Nandakumar which is violation of section 29 of PCPNDT Act 1994.

 There were not PCPNDT ACT 1994. boards in the centre.

Whereas the Honorable Supreme Court of India in its Direction Dated 03.04.2013 in WP No 349 of 2006 issued to all the States and Union Territories.

 “The State Advisory Committees and District Advisory Committees should gather information relating to the breach of the provisions of the PC&PNDT Act and the Rules and take steps to seize records, seal machines and institute legal proceedings, if they notice violation of the provisions of the PC&PNDT Act”.

 The District Appropriate Authority Chennai has seized the followings in before of Dr. Malligeswari Nandakumar, Owner of the said centre with two independent witness namely Mrs.Nandhini.A, Staff of Karani Scan Center, Sri Balaji ENT and Maternity Clinic and Mr.Natarajan.C, Assistant, Director of Medical and Rural Health Services, Chennai.

1. Ultra Sound scanner Make GE Model logiq E Serial No.283642WX7
2. Nominal Register from .02..01.2017 to 18.03.2017
3. Form F – Book dated 09.01.2017 to 18.03.2017 Numbered 1-72

The seized Ultra Sound machine was kept locked and sealed in the room located in Basement of the Hospital and sealed by the District Appropriate Authority, PCPNDT Act1994 Chennai before the Team members and Dr. Malligeswari Nandakumar, Owner of Karani Scan Center, Chennai with Mrs.Nandhini.A, Staff of Karani Scan Center, Sri Balaji ENT and Maternity Clinic and Mr. C.Nataranjan, Assistant, Directorate of Medical and Rural Health Services, Chennai safe custody as this equipment is of Electronic machine. One copy of the seizure magazer was handed over to Dr. Malligeswari Nandakumar, Owner of Karani Scan Center, Chennai with due acknowledgement and obtained declaration that the seized and sealed machine should be produced before the Court of Law as and when needed.

 I submit that Dr. Malligeswari Nandakumar, Owner of Karani Scan Center, Chennai (Accused) have failed to comply with the provisions of the Act and as per Sec29 PCPNDT Act 1994 which is punishable under section 25 of the Pre-Conception and Pre-natal Diagnostic Techniques ( Prohibition of Sex Selection) Act 1994.

 Hence it is humbly prayed that the Hon’ble Court may be pleased to kindly take cognizance of this complaint on file and dispose it according to the provisions of the Law.

 Signature

List of Documents:

1. Seizure Magazer dated 18/03/2017.
2. Ultra sound scanner Make GE Model logic E Serial No.283642WX7
3. Nominal Register from .02..01.2017 to 18.03.2017
4. Form F – Book dated 09.01.2017 to 18.03.2017 Numbered 1-72

List of Witness:

|  |  |
| --- | --- |
| 1. Dr. V.P. Hari Sundari,

The District Appropriate Authority and Joint Director of Health Services (Act),Office of the Director of Medical and Rural Health Services, Chennai – 6. | To speak about the case details and other facts .  |
| 1. Thiru. Kamalakannan,

 Office SuperintendentO/o. Director of Medical and  Rural Health Services,  Chennai.6. 1. Mr.C.Natarajan,

 Assistant,  O/o. Director of Medical and  Rural Health Services,  Chennai- 6.4. Mrs.Nandhini.A, Staff of Karani Scan Center, Sri Balaji ENT and Maternity Clinic No.29.sadayappan street, saidapet, chennai – 600 015. | To speak about the Complaint.To speak about the Complaint.To speak about the Seizure. |

 **Signature**

 **District Appropriate Authority**

 **Pre-Conception and Pre-natal**

 **Diagnostic (Prohibition of Sex**

 **Selection) Act 1994. &**

 **the Joint Director of Medical and**

 **Rural Health Services (Act),**

 **Chennai**