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W.P(C)No. 301 OF 2000  
ITEM No.2

Court No. 8

SECTION PIL  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.301/2000

CEHAT & ORS.

Petitioner (s)

VERSUS

UNION OF INDIA AND ORS.

Respondent (s)

( With Appln(s). for permission to submit additional document(s)  
and exemption from filing O.T.and impleading party)

Date : 11/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Ms.Indira Jaising,Sr.Adv.,  
Mr.Sanjay Parikh,Adv.,  
Mr.Avinash K. Misra,Adv.,  
Mr.R.R. Chandrachud,Adv.,  
Ms.Jayna Kothari,Adv.  
Mr.A.N.Singh,Adv.

For Respondent (s)

Attorney General for India (N/P)

for UOI:

Krishan Mahajan,Adv.,

for Delhi State:

Ms.Sunita Sharma,Adv.,  
Mr.D.S.Mahra,Adv.

for Gujarat State:

Ms.Hemantika Wahi,Adv.

for Orissa State:

Mr.Radha Shyam Jena,Adv.

for Jharkhand State:

Mr.Ashok Mathur,Adv.,  
Mr.Rajesh Pathak,Adv.

for Rajasthan State:

Mr.Ranjit Thomas,Adv.for  
Mr.Javed Mahmood Rao,Adv.

for Kerala State:

Mr.K.R.Sasiprabhu,Adv.,

for Haryana State:

Mr.J.P.Dhanda,Adv.,  
Mr.K.P. Singh,Adv.

for Goa State:

Mr.Bhawani Shankar Gadnis,Adv.,  
Mr.Shiv Sagar Tiwari,Adv.,

for Karnataka State:

Mr.Sanjay R. Hegde,Adv.,  
Mr.Satya Mitra,Adv.

for Punjab State:

Ms.Jayshree Anand,AAG Punjab  
Mr.Rajeev Sharma,Adv.,  
Mr.G.Sivabalamurugan,Adv.

for Nagaland State:

Mrs.V.D. Khanna,Adv.  
Mr.Sanjay K.Shandilya,Adv.

for Maharashtra State:

Mr.V.B. Joshi,Adv.,  
Mr.S.S. Shinde,Adv.for  
Mr.S.V. Deshpande,Adv.

for Manipur State:

Mr.Khwairakpam Nobin Singh,Adv.

for Andhra Pradesh State: Mr. Guntur Prabhakar, Adv.  
for Arunachal Pradesh : Mr. Anil Shrivastav, Adv.  
for Meghalaya State: Mr. Ranjan Mukherjee, Adv.

for Tamil Nadu State: Mr. T.L. Viswanatha Iyer, Sr. Adv.,  
Ms. Shweta Garg, Adv.,  
Ms. Revathy Raghavan, Adv.  
Mr. P.N. Ramalingam, Adv.

for West Bengal State: Mr. Tara Chandra Sharma, Adv.,  
Mr. Ajay Sharma, Adv.,

for Madhya Pradesh: Mr. S.K. Agnihotri, Adv.,  
Mr. Sakesh Kumar, Adv.

for Bihar State: Mr. B.B. Singh, Adv.

for U.P. State: Mr. R.C. Verma, Adv.

for Pondicherry: Mr. V.G. Pragasam, Adv.

for Uttranchal : Ms. Rachana Srivastava, Adv.

for Chhatisgarh: Mr. Prakash Shrivastava, Adv.

for Assam State: Ms. Asha G. Nair, Adv.,  
Mr. V.K. Sidharthan, Adv. for

for UT Chandigarh: M/s. Corporate Law Group  
Ms. Kamini Jaiswal, Adv.,  
Ms. Shomila Bakshi, Adv.,  
Ms. Aiswarya Rao, Adv.

for Tripura State: Mrs. Vimla Sinha, Adv.,  
Mr. Gopal Singh, Adv.,  
Mr. Rahul Singh, Adv.

for Himachal Pradesh: Mr. Naresh K. Sharma, Adv.

for Sikkim State: Ms. Aruna Mathur, Adv.,  
Mr. A. Mariarputham, Adv.

for J & K State: Mr. Anis Suhrawardy, Adv.

for intervenor: Mr. Jay Savla, Adv.,  
Ms. Reema Bagga, Adv.,  
Ms. M. Ogra, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Learned counsel for the petitioners has pointed out that in the affidavits tendered on behalf of the State Governments names of the members of the advisory committee are not disclosed and in any case are not published at the relevant places. In this view of the matter the concerned State Governments are directed to publish the names of advisory committee in various districts so that if there is any complaint any citizen can approach them. Further, the statistics and information which is to be given in affidavit should be given district-wise.

Mr. Krishan Mahajan, the learned counsel appearing on behalf of the Union of India states that despite the necessary warning by the Secretary, Health Department,

(Family Welfare ) Health Secretaries of various states are not responding and are not interested in implementing the Act as well as the various directions issued by this Court. Today, the learned counsel appearing on behalf of the petitioners has produced the chart based on the affidavits filed by the various states which indicates that there is no desire on the part of the concerned administrators to implement seriously the law and orders passed by this Court. For non-compliance of the orders passed by this Court, Secretary ( Health Department) of the following States are directed to remain present before this Court on 29.1.2002.

"(1) Punjab, (2) Delhi, (3) Bihar, (4) Rajasthan,

(5) Gujarat, (6) Haryana, (7) Uttar Pradesh, (8) Maharashtra, and (9) West-Bengal."

It is alleged by the learned counsel for the petitioners that Dr.Dahiya is transferred from Faridabad to Chandigarh only because he was taking appropriate action against defaulting clinics. For this purpose, learned counsel has placed reliance on the newspapers' reports. In our view, if efficient officer is transferred only because he was taking action against the defaulting clinics then certainly the action of the State Government is unjustified one. In addition, the State of Haryana through its Health Secretary is directed to file necessary affidavit stating reasons for transfer of Dr. Dahiya.

Learned counsel for the petitioners further

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submitted that the officers of various State Governments are wasting lot of time in verifying where ultrasound machines are kept. She pointed out that data of ultrasound machines supplied to the clinics is available from the manufacturing companies as well as from the service contracts entered by these clinics with those companies. It is also pointed out that in some cases these machines are also imported. For that also, names of the importers are easily available from the Customs Department. We, therefore, direct the following companies to supply the information as to how many machines they have sold to various clinics within last five years including their names and addresses and also service contract to those clinics or individual as the case may be.

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1. Uma Parameshwaran, CEO, Wipro Ge Medical Systems Ltd., A-1, Corporate Towers, Golden Enclave, Airport Road, Bangalore -560017.
2. Toshbro Shimandzu Ltd., Khetan Bhawan, 2nd floor, Mumbai - 400020.
3. Erbis Engineering Co.Ltd., 2E/12, 4th Jhandewalan Extn., New Delhi - 110005.
4. V. Prabhakar, CEO, ATL India Ltd., 79 & 94, Developed Plots, Perungadi, Chennai -600096.
5. Larsen & Toubro Ltd. (Medical Equipment Divn.),L&T House, 10, Club House Road, Anna Salai, Post Bag NO. 55247, Chennai -600002.
6. International Medical Services Pvt.Ltd., 17 Industrial Estate, Maruti Complex, Gurgaon - 122015.
7. A.K. Khosla, Chairman, General Electric Co. of India Ltd., E-16, Greater Kailash, Part-I, New Delhi -110048.
8. Rajeev Dayal, President & CEO, HCL Picker Ltd., D-3, Community Centre, Poorvi Marg, Vasant Vihar, New Delhi- 110057.
9. Siemens Ltd., Mahape Workshop Shilphata Road, Behind MIDC Area Off Thane Belapur Road, Vill.Mahape, Thane - 400601.

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For implementation of the Act and the rules it appears that it would be desirable if the Central Government frames appropriate rules with regard to sale of ultrasound machines to various clinics and issue directions not to sell machines to unregistered clinics. Learned counsel Mr. Mahajan appearing for Union of India submitted that appropriate action would be taken in this direction as early as possible.

Adjourned to 29.1.2002.

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(Vijay Kumar Sharma)  
Court Master

(K.K Chadha)  
Court Master