

**IN THE HON'BLE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH.**

CWP No. 19086 of 2017(O&M)

Ravinder Singh Dhull

..Petitioner

Versus

State of Haryana & Ors.

..Respondents

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Place: Chandigarh

Dated:5.2.2018


Dr. Govind Gupta
Civil Surgeon Sirsa

**IN THE HON'BLE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH.**

In CWP No. 19086 of 2017(O&M)

Ravinder Singh Dhull

..Petitioner

Versus

State of Haryana & Ors.

..Respondents

**Status Report by way of Affidavit of Dr.
Govind Gupta, Civil Surgeon, Sirsa, in
compliance of the order dated 20.12.2017,
passed by this Hon'ble Court..**

**I, the above named deponent do hereby
solemnly affirm and declare as under:-**

RESPECTFULLY SHOWETH:

1. That the above mentioned writ petition pending before this Hon'ble High court came up for hearing on 20.12.2017, which was adjourned by issuing directions to the respondent to file status report. The operative part of the order/directions are reproduced as under:

"(10) The Court Commissioner has also appended the report of Civil Surgeon Sirsa (A4) along with his report which indicates violation of various statutory

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provisions by the Hospital run in Dera premises. Let the Civil Surgeon, Sirsa file a separate Status report as to what action has been taken pursuant to the said report."

2. That in compliance with the above directions/order dated 20.12.2017, it is most respectfully submitted that as per verbal orders of Director General Health Service and Deputy Commissioner Sirsa for inspection of Shah Satnam ji Speciality Hospital, Sirsa, during search operation, the deponent was attached with duty magistrate Sh. Balraj Singh the then B.D.P.O. Nathusari Chopta, Distt. Sirsa to inspect the premises of Shah Satnam Ji Speciality Hospitals, Shahpur Begu, Bhadra Road, Sirsa on 09.09.2017. The deponent formed various inspections teams, the copy of office order vide memo no. Steno/2017/1901-1915 dated 09.09.2017, true copy of the same is attached herewith as **Annexure R-1** and details of which as follows:

Team Members	Area/ Dept. for inspection
1. My self Dr. Gobind Gupta 2. Dr. Viresh Bhushan, Dy. Civil Surgeon, FW, Sirsa	PNDT & MTP Records
1. Dr. Parmod Sharma, Dy. C.S. (M), Sirsa 2. Dr. Rajesh Choudhary, Dy. C.S. (H), Sirsa	Skin bank & other Organ transplant and dead body donation

GA

3. Dr. Gourav Arora MO PHC Goriwala	
1. Dr. Rohtash Dy. C.S. (TB), Sirsa 2. Dr. Gourav Bhatti MO PHC Keharwala 3. Dr. Dheeraj Kamboj MO PHC Bani (Rania) 4. Dr. Sunil Arora MO PHC Darba Kalan	OPD, IPD, Emergency and Referral Section of hospital

4. That, thereafter, preliminarily report regarding inspection report along with spot memos & seizure memos was submitted to Deputy Commissioner, Sirsa by the deponent vide memo no. steno/2017/1916 dated 09.09.2017, True copy of the same is annexed herewith as **Annexure R-2**. The crux of this report is as follows:

A. Skin Bank: It was found that no registration/license under transplantation of Human Organ and Tissue Act 1994 was with the hospital authorities and on inspection it was found that one case of skin transplant (allograft) was done in the hospital without any valid consent from the recipient as was seen from the records. It is further submitted one case of sale of preserved skin to Rajat Mann S/o Parveen Mann R/o #2161, Sec-13, UE, Karnal on prescription by Dr. Rakesh Jindal owner of Balaji Hospital, Near Church, Mall

A

Road, Karnal was also discovered, which is totally illegal as there was no registration/license with the hospital authorities for the same. A refrigerator with 29 plastic jars with skin in preservative has been sealed for further investigation.

B. Dead Body Donation: Statement has been taken from Dr. Punit Maheshhwari representative of this hospital. As per his statement Dera Sacha Sauda Sirsa only acts as motivator for donation of the dead bodies to various medical colleges for education purpose. No record could be made available. He also stated that no organ donation or transplant is carried out in the hospital as they don't have the requisite registration /license for the same.

C. PNDT & MTP: Inspection done as per PNDT format shows no anomalies. For MTP, Dr. Punit Maheshari representative of the hospital stated that although they have permission to conduct MTP upto 20 weeks, but they do not conduct MTP due to their faith. On examining the OT procedure Register it was found that D&C in antenatal cases were conducted. So files of these patients were examined. Six such original files were seized for



further course of action as discrepancies were found.

D. OPD, IPD & Referral record: The photocopies of the record pertaining to admission, treatment and referral of the patients from Dt. 24.08.2017 onwards till date have been collected.

3. That the final report with all the annexures was submitted to Court Commissioner through Deputy Commissioner Sirsa vide memo no. steno/2017/1920 dated 10.09.2017, which has already been submitted by the Ld. Court Commissioner before this Hon'ble court.

4. That similar preliminarily report as above was also sent to Director General Health Services Haryana vide memo No. Steno/2017/1925 dated 11.09.2017. The true copy of the same is attached herewith as **Annexure- R-3** and the final report was also sent vide memo no. Steno/2017/1577 dated 26.10.2017, true copy of the same is annexed herewith as **Annexure- R-4**.

5. That it is submitted that the appropriate authority under Transplant of Human Organ Act, 1994 is Director General Health Services Haryana and the Civil Surgeon is not authorised to take action under this Act.



6. That thereafter vide letter no. 3 PM-20018/735 dated 24/01/2018, true copy of the same is annexed as **Annexure R-5**, direction was issued by Director General Health Services Haryana-cum-Appropriate Authority of transplantation of Human organ and Tissue Act 1994 for Sirsa, to lodge the complaint against persons mentioned in the above authority letter, i.e. (1) Er. Abhijeet Bhagat, Chairman Shah Satnam Ji Development Foundation, Sirsa (The Hospital namely Shah Satnam Ji Multispecialist Hospital/Skin Bank Nohar-Bhadra Road, Sirsa, run by the above society). (2). Col. (Retd.) O.P Kashnia/Chief Operating Officer Shah Satnam Ji Development Foundation, Sirsa. (3) Dr. M.P. Singh, Chief Medical Officer of Shah Satnam Ji Multispecialist Hospital. (4) Dr. Swapanil Garg, Plastic Surgeon of above hospital (working as a plastic surgeon employed with the hospital & who also conducted skin transplantation on patient Veerpal) (5). Mr. Balbir Singh O.T Technician working as a technician in the skin bank employed with the hospital. (6). Dr. Rakesh Jindal, incharge Bala Ji Hospital Karnal (who purchased skin from above said hospital) thereafter Civil Surgeon Sirsa being an authorized person u/s 22(A) of Transplantation of Human Organ Act lodged a criminal complaint on dated 29/01/2018 before Ld. ACJM Sirsa Sh. Vijay James,

u/s 14, 14A, 18, 19, 19A, 20, 20A of Transplantation of Human Organ Act titled as **Civil Surgeon Dr Govind Gupta Vs Er. Abhijeet Bhagat etc.** Next date of hearing is 19/02/2018 for consideration. Copy of criminal complaint, true copy of the same is attached herewith as **Annexure R-6.**

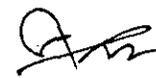
7. That thereafter at the time of inspection the hospital namely Shah Satnam Ji speciality hospital was approved for Medical termination of pregnancy as per MTP Act. As per seizure memo, true copy of the same is annexed herewith as **Annexure R-7** dated 09.09.2017 at the time of inspection Ultrasonography reports were not found on the file of six patients. In this regard, a notice on dated 03-10-2017, true copy of the same is annexed herewith as **Annexure R-8** with letter no. Esst. FW/17/452 & reminder on dated 17-01-2018 with letter no. PNDT-18/14 for granting time to submit reply was issued to the above said hospital, true copy of the same is annexed herewith as **Annexure R-9.** Thereafter, Dr. Gourav Aggarwal, Joint C.M.O. Shah Satnam Ji Speciality Hospital, Sirsa appeared personally and submitted written reply dated 30.01.2018, true copy of the same is annexed herewith as **Annexure R-10.** The same was put up before District level committee on the same day, the committee found that the reply submitted was satisfactory, the centre



was duly registered under MTP Act and there is no violation of MTP Act, it was just a clerical mistake so District level committee decided to file the same and issued warning to the hospital to maintain the records properly in future.

PLACE: CHANDISALH
DATED: 5/21/18

DEPONENT



(Dr. Govind Gupta)
Civil Surgeon, Sirsa

VERIFICATION:-

Verified that the contents of para No.1 to 4 of my above status report by way of affidavit are true and correct to my knowledge and information derived from the official record. No part of it is false and nothing has been kept concealed therein.

PLACE: CHANDISALH
DATED: 5/21/18

DEPONENT



(Dr. Govind Gupta)
Civil Surgeon, Sirsa

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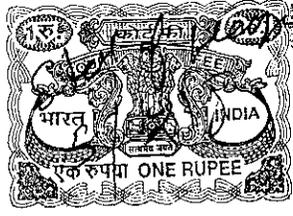


ATTEN: ...

SHYAM ...
NOTARY ...

5/2/18



**ANNEXURE-R-1****OFFICER ORDER****No. Steno/2017/1901-1915****Dated: 09-09-2017**

As per verbal orders of Director General Health Services, Haryana, Panchkula and Deputy Commissioner, Sirsa, team of following officer are hereby constituted for inspection of Shah Satnam Ji Super specialty Hospital, Bhadra Road, Sirsa: -

Team Members	Area/ Dept. for inspection
1. Dr. Gobind Gupta 2. Dr. Viresh Bhushan, Dy. Civil Surgeon, FW, Sirsa	PNDT & MTP Records
1. Dr. Parmod Sharma, Dy. C.S. (M), Sirsa 2. Dr. Rajesh Choudhary, Dy. C.S. (H), Sirsa 3. Dr. Gourav Arora MO PHC Goriwala	Skin bank & other Organ transplant and dead body donation
1. Dr. Rohtash Dy. C.S. (TB), Sirsa 2. Dr. Gourav Bhatti MO PHC Keharwala 3. Dr. Dheeraj Kamboj MO PHC Bani (Rania) 4. Dr. Sunil Arora MO PHC Darba Kalan	OPD, IPD, Emergency and Referral Section of hospital

-Sd/-

**Civil Surgeon
Sirsa****Endst. No. Steno/2017/1901-1915****Dated: 09-09-2017**

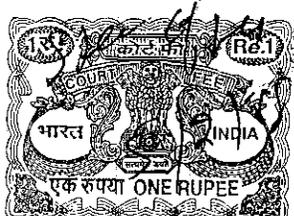
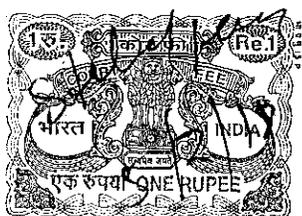
A copy is following for information and necessary action.

1. All concerned officers.
2. Dy. Civil Surgeon, FW Sirsa for arrangement of vehicle for transportation of inspection team.

-Sd/-

**Civil Surgeon
Sirsa**


5/2/18
**True Copy
Civil Surgeon, Sirsa**

**ANNEXURE-R-2**

From

Civil Surgeon,
Sirsa

To

The Deputy Commissioner,
SirsaMemo No. **STENO/2017/1916**Dated **09.09.2017**

Subject: Preliminary Report regarding checking of Shah Satnam Ji Specialty Hospital, Shahpur Begu, Bhadra Road, Sirsa.

On the subject cited above, the above said hospital was visited and checked today i.e. 09.09.2017 and following observations were found.

1. **Skin Bank:** It was found that no registration/license was with the hospital authorities and on inspection it was found that one case of skin transplant (allograft) was done in the hospital without any valid consent from the recipient as was seen from the records. It is further submitted on case of sale of preserved skin to one Rajat Mann S/o Parveen Mann R/o #2161, Sec-13, UE, Karnal on prescription by Balaji Hospital, Near Church, Mall Road, Karnal was also discovered, which totally illegal as there was no registration/license with the hospital authorities for the same. A refrigerator with 29 plastic jars with skin in preservative has been sealed for further investigation.

2. **Dead Body Donation:** Statement has been taken from Dr. Punit Maheshhwari representative of this hospital. As per his statement Dera Sacha Sauda Sirsa only acts as motivator for donation of the dead bodies to various medical colleges for education purpose. No record could be made available. He also

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stated that no organ donation or transplant is carried out in the hospital as they don't have the requisite registration /license for the same.

3. **PNDT & MTP:** Inspection done as per PNDT format shows no anomalies. For MTP, Dr. Punit Maheshari representative of the hospital stated that although they have permission to conduct MTP upto 20 weeks, but they do not conduct MTP due to their faith. On examining the OT procedure Register it was found that D&C in antenatal cases were conducted. So files of these patients were examined. Six such original files were seized for further course of action as discrepancies were found.

4. **OPD, IPD & Referral record:** The photocopies of the record pertaining to admission, treatment and referral of the patients from Dt. 24.08.2017 onwards till date have been collected.

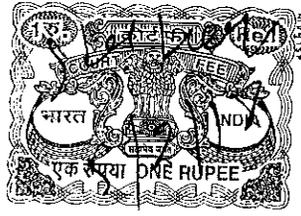
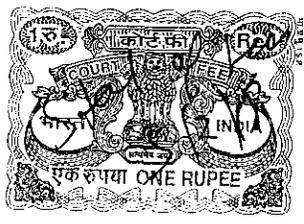
It is submitted that final report will be shared tomorrow. This is for your information and necessary action.

-Sd/-
Civil Surgeon
Sirsa

True Copy



Civil Surgeon, Sirsa

**ANNEXURE-R-3**

From

Civil Surgeon

Sirsa

To

Director General Health Services Haryana

Panchkula

No-Steno/17/1925

Dated- 11/09/17

Subject: Regarding visit and inspection of Dera Sacha Sauda Hospital, Sirsa

On the subject cited above, with due regards it is submitted that as directed by your goodself and Deputy commissioner Sirsa, following teams visited and inspected Dera Sacha Sauda Hospital Sirsa on dated 09/09/17 under supervision of undersigned. The teams comprises as follows-

PNDT & MTP Records-

1. Dr. Gobind Gupta civil Surgeon Sirsa
2. Dr. Viresh Bhushan, Dy. C.S. (FW) sirsa

Skin bank & other Organ transplant and dead body donation-

1. Dr. Parmod Sharma, Dy. C.S. (M), Sirsa
2. Dr. Rajesh Choudhary, Dy. C.S. (H), Sirsa
3. Dr. Gourav Arora MO PHC Goriwala

OPD, IPD, Emergency and Referral Section of hospital-

1. Dr. Rohtash Dy. C.S. (TB), Sirsa
2. Dr. Gourav Bhatti MO PHC Keharwala
3. Dr. Dheeraj Kamboj MO PHC Bani (Rania)
4. Dr. Sunil Arora MO PHC Darba Kalan

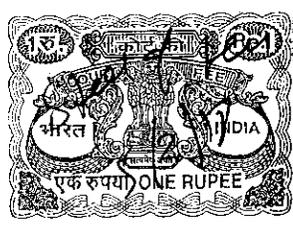
It is further submitted that complete record and report has been handed over to Deputy Commissioner sirsa in original. This is for your information please.

-Sd/-
Civil Surgeon
Sirsa

True Copy



Civil Surgeon, Sirsa

**ANNEXURE-R-4**

From

Civil Surgeon
Sirsa

To

Director General Health Services Haryana
Panchkula

No- Steno/17/1577

Dated- 26/10/17

Subject: Report regarding inspection of Shah Satnam Ji Multi
Specialty Hospital, Sirsa.

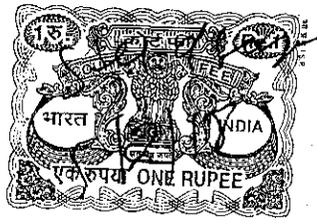
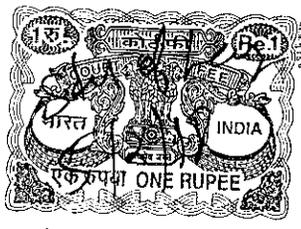
On the subject cited above in continuation of this office letter no. steno/177/1925 dated 11/09/17, it is kindly informed that as directed by your good self and worthy Deputy Commissioner Sirsa, teams constituted by undersigned visited Shah Satnam Ji Hospital Sirsa and preliminary report regarding visit has been sent to Deputy Commissioner Sirsa vide this office letter no. steno/17/1916 dated 09/09/17. After that complete report of inspection has been sent to worthy Court commissioner appointed for Dera Sacha Sauda Sirsa via Deputy Commissioner Sirsa vide letter no. steno/17/1920 dated 10/09/17. No guidance regarding further action taken was given to this office. The same report is attached herewith this letter for your reference and further necessary action please.

Encl-

- 1- Photocopy of letter no. steno/17/1916 dated 09/09/17
- 2- Photocopy of letter no. steno/17/1920 dated 10/09/17
- 3- Photocopy of letter no. steno/17/1925 dated 11/09/17
- 4- Photocopy of complete reports and spot memos

-Sd/-

**Civil Surgeon
Sirsa****True Copy****Civil Surgeon, Sirsa**

**ANNEXURE-R-5**

From

Director General Health Services Haryana
Sector-6, Panchkula

To

Civil Surgeon Sirsa

Memo No. 3 PM-2018/735

Dated 24.01.18

Subject:- Regarding illegal skin bank running in violation of Transplant of Human Organs Act (THOA).

Reference to the subject cited above and your office letter no. Steno/2017/1577 dated 26.10.2017 and letter No. steno/2018/79 dated 23.01.2018.

Matter has been examined at Head Quarter level and it is intimated that the Shah Satnam Ji Multispecialty Hospital Sirsa is not registered under THOA with Appropriate Authority for Sirsa. Further, after going through the spot memo and seized record submitted by your office of Shah Satnam Ji Multispecialty Hospital Sirsa seized during search operation on 09.09.2017 conducted by your office, it has been observed that the Hospital is being run under Shah Satnam Ji development Foundation and there are violations of THOA Act. The Chairman of this foundation is Er. Abhijeet Bhagat, COO is Col.(Retd.) O.P. Kashnia, Chief Medical Officer of this hospital is Dr. M.P. Singh. Dr. Sawapnil Garg is the Plastic Surgeon employed with the hospital and who also conducted skin transplant on patient Veerpal and Mr. Balbir Singh is OT Technician employee of hospital. As per record submitted by your office, it is revealed that Dr. Rakesh Jindal is the Incharge & Plastic Surgeon in Bala ji hospital, Karnal, who purchased skin from the Shah Satnam Ji Multispecialty Hospital Sirsa.

Keeping in view the report submitted by your office and observations made at Head Quarter, the Appropriate Authority for THOA is of the view that a complaint under various sections of THOA Act may be lodged.

Therefore, you are hereby directed/empowered to lodge compliant after treating your report as a notice against the above named institution and persons/ authorities alongwith other accused Authorities/Officer/official who have violated the various provisions of THOA Act alongwith applicable Sections of IPC. Further, it is pertinent to mention here that in the report, certain financial violations as per THOA Act has also been observed. Therefore, complaint against the defaulting/accused institution Authorities/Officers/officials may also be lodged alongwith above named persons for financial violations also.

Sd/-

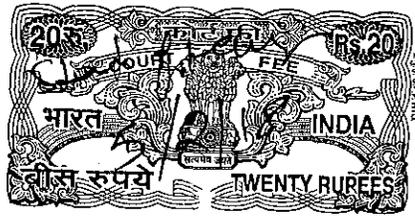
Medical Officer (PM)

For Director General Health Services Haryana-
-cum-Appropriate Authority of Transplant
of Human Organ Act.

True Copy



Civil Surgeon, Sirsa

**ANNEXURE R-6****IN THE COURT OF SH. VIJAY JAMES, Ld. ACJM SIRSA.**

Dr. Gobind Gupta, Civil surgeon sirsa authorized by Dr. Satish Aggarwal, appropriate authority for Sirsa-cum-Director General Health Services Haryana.

Complainant

Vs

1. Er. Abhijeet Bhagat, Chairman Shah Satnam Ji Development Foundation sirsa (The Hospital namely Shah Satnam Ji Multispecialist Hospital/Skin Bank Nohar-Bhadra Road, Sirsa, run by the above society).
2. Col. (Retd.) O.P Kashnia/Chief Operating Officer Shah Satnam Ji Development Foundation sirsa.
3. Dr. M.P. Singh, Chief Medical Officer of Shah Satnam Ji Multispecialist Hospital.
4. Dr. Swapanil garg, Plastic Surgeon of above hospital (working as a plastic surgeon above namely hospital).
5. Mr. Balbir Singh O.T Technician working as a technician in the skin bank above said hospital.
6. Dr. Rakesh Jindal, incharge Bala Ji Hospital Karnal (Who purchase skin from above said hospital).

Accused

Criminal complaint u/s 14,14-A,18, 19, 19-A, 20 & 21 of Transplantation of Human Organs and Tissues Act, 1994 (here in after referred TOHO Act),P.S. Sadar Sirsa

R/Sir

It is respectfully submitted as under:

1. That complainant is working as Civil Surgeon Sirsa and authorized by Dr. Satish Aggarwal, appropriate authority for Sirsa -cum- Director General Health Services Haryana u/s 22(A) of TOHO Act. The Government of Haryana by notification Haryana Government Health Department 10/12/2009 No. 46/03/95-5 HBH appointed Director General Health Services Haryana as a appropriate authority for Sirsa.

2. That the brief facts of the case are that as per verbal order of Director General Health Services Haryana and the then Deputy Commissioner Sirsa on dated 09.09.2017 along with duty magistrate Sh. Balbir Singh, the then B.D.P.O. Nathusari Chopta, District Sirsa for inspection of Shah Satnam Ji Multispecialist Hospital Sirsa. A team was constituted by complainant namely:- Dr. Parmod Sharma (Dy. Civil Surgeon Sirsa), Dr. Rajesh Choudhary (Dy. Civil Surgeon Sirsa) Dr. Gourav Arora (M.O PHC Goriwala) for inspection of the skin bank and other organ transplant and dead body donation situated in the Shah Satnam Ji Multispecialist Hospital Sirsa by office order no. steno/2017/1901-1915 dated 09.09.2017.

3. That the team reached at the hospital at 10:30 AM on 09.09.2017 and found that that above said hospital



authority not having a valid registration under TOHO Act.

Team prepared a spot memo i.e.

“During inspection Dr. Punit Maheshwari anesthetist (working at the above said hospital) was present along with Mr. Balbir Sing OT Technician, team member asked Dr. Punit & Blabir for furnish the registration/ license/ any other document regarding running the skin bank in this hospital. But they could not furnish any such type of document. Dr. Punit submitted one application address to D.C Sirsa & Civil Surgeon Sirsa. Which stated that they had opened SMG Global Skin Bank at Shah Satnam Ji Hospital. (That is just a information letter). The team visited the skin bank & checked all the room & found that all the equipment expect a domestic refrigeration was powered off, opened in the presence of Dr. Punit & Mr. Balbir, 29 plastic container containing skin pieces of veriying length & width were found preserved. Record regarding names of the donor & receipt summoned. Dr Punit submitted the relevant record photocopy of the related record marked page 1-108 (copy attached) was taken into custody after duly signed by Dr punit maheshwari. As per record 40 sample of skin graft has been received from deceased person out of 40 eight skin graft had been discarded, due to various deceases. As stated by Dr punit and Balbir Singh three skin graft has



been used for the treatment of two patient at Shah Satnam Hospital other at Bala Ji Hospital Karnal. Record regarding these two patient was taken in to custody. As per record of patient Veerpal W/o Sham Lal 20 year female, resident of Shiv Nagar, Dabawali CR No. 40692 Dated 3.3.2017 & Dated 19.3.2017. Who received thermal burn on both legs ½ years back. No consent regarding skin allograft found in patient file. Only high risk consent regarding surgery and general consent found, Which is signed by patient and her mother. After inspection of skin bank the team member opined that hospital administration does not possess any registration document, license regarding storage and transplantation of human organ according to the TOHO Act 1994. The Hospital engaged in removal, storage, transplantation and sale of Human organs/tissue need to be registered. If they violate any of the condition registration may be cancelled after proper inquiry. As this case require further investigation the team member opine that the refrigerator containing 29 plastic containers to be sealed. The Spot memo signed by team member, duty magistrate and Dr. Punit Maheswarai and Balbir Singh also”.

4. That there after a sealing memo prepared. In which refrigerator EDGE Godrage 185 Grey color containing 29 plastic container containing skin graft by wrapping around



white cloth by five seal in presence of Dr. Punit, signed by team member, duty magistrate and Dr. Punit Mahesawarai and Balbir Singh also.

5. There after seizure memo also in which two original file were seized which was signed by team member, duty magistrate and Dr. Punit Mahesawarai and Balbir Singh also.
6. That there after the final report with all the relevant record was submitted to the Court Commissioner through the then Deputy Commissioner Sirsa by Civil Surgeon Sirsa bearing no. Steno/2017/1920 dated 10.09.2017.
7. That the similar preliemerly report as above was submitted to Director General Health Services and there after a final report also submitted by civil surgeon sirsa bearing no. Steno/17/1577 dated 26.10.2017 because as per TOHO Act Appropriate Authority is authorized to investigate any complaint of breach of the any provision of the Act.
8. That as per Section 22 (a) of the TOHO Act, which provides "the appropriate authority concern, or any officer authorizes in this behalf by the centre government or the state government or, as the case may be, the appropriate authority". Hence, as per Memo No. 3 ON-2018/735 dated 24-1-2018 appropriate authority for sirsa authorize to lodge the complaint which say *"the matter has been*

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examined at Head quarter level and it is intimated that the Shah Satnam Ji Multispecialist Hospital Sirsa is not registered under TOHA and with Appropriate Authority for Sirsa and after going through the spot memo and seized record of Shah Satnam Ji Multispecialist Hospital Sirsa during search operation on 9.9.2017. Conducted by your office. It has been observed that the Hospital is being run under Shah Satnam Ji Devolvment Foundation and there are violation of TOHA Act. The Chairman of this foundation is Er. Abhijeet Bhagat, COO is Col. (Retd.) O.P. Kashnia, Chief Medical Officer of this hospital is Dr. M.P. Singh, Dr. Sawapnil Garg is the Plastic Surgeon employed with the hospital and who also conducted skin transplant on patient Veerpal and Mr. Balbir Singh OT Technician employee of hospital. As per record submitted by your office it is revealed that Dr. Rakesh Jindal is Incharge & Plastic Surgeon in Bala ji hospital, Karnal, who purchased skin form the said hospital. Keeping in the view the report submitted by your office and observation made at Head Quarter, the Appropriate Authority for TOHO is of the view that a complaint under various section of TOHO act may be lodged. Therefore, you are hereby directed/empowered to lodged complaint after treating your report as a notice against the above named institution and person/ authorities alongwith other accused authorities /officer/official, who



have violated the provisions of TOHO Act alongwith applicable sections of IPC, it is pertinent to mention here that in the record, certain financial violation as per TOHO Act has also been observed. Therefore, complaint against the defaulting/ accused institution, authorities/ officers / officials may also be lodged alongwith above named persons for financial violation also.”

9. That above noted Shah Satnam Ji Multispecialist Hospital run by above society not registered with Appropriate Authority as per the Transplantation of Human Organs and Tissues Act, 1994. Hence they clearly violated the section 14 which say registration of Hospital engaged in removal storage of transplantation of Human organs of Tissue or Both and violation of Session 14-A registration of Tissue Bank Which say not tissue bank shall, after the commencement of transplantation of human organ (amendment) Act 2011 (16 of 2011), commence in any activity relating to the recovery, screening testing, processing, storage and distribution of tissue unless it is duly registration under this Act.
10. That the above said hospital without registration run the activity of removal, storage or transplantation of tissue i.e. Skin and sold skin to the Rakesh Jindal, Incharge Bala Ji Hospital Karnal and received financial gain.



11. That the above namely accused no. 03 to 05 rendered their service in above mentioned hospital i.e. also violated the Act. And accused no. 01, Chairman and 02, Chief operating officer of Shah Satnam Ji Development foundation sirsa, who run the above mentioned hospital and accused no. 06 purchased the skin from the above namely unregistered hospital, in view of the facts narrated above all the above namely accused 01 to 06 have committed the offence under section 14, 14(A), the TOHO Act, hence they are liable to be punished as per section 18,19,19(a) 20, 21 of the TOHO Act.
12. That the complaint is being filed as required under the law without any delay.
13. That the Hon'ble court has jurisdiction to try, entertain and to decide the present complaint under section 22 (A) of TOHO Act.
14. That the complainant being public servant may be exempted from personal appearance of each and every date of hearing.
15. That the present complaint is being filed by the Public Servant in discharge of his official duty being authorized by appropriate authority for sirsa. Hence, there is no need



to lead preliminary evidence first. Hence, the above namely accused may kindly be summoned on the basis of record and documents attached with the complaint.

Hence, prayed that keeping in view the submissions made above, the accused may kindly be summoned under the above said sections, in the interest of justice.

Sirsa/Dt.

Submitted by
Sd/-

Dr. Gobind Gupta Civil Surgeon
Sirsa authorized by Dr. Satish
Aggarwal State Appropriate
Authorities for Sirsa -cum-
Director General Health Services
Haryana.

List of witnesses attached herewith.

Dr. Gobind Gupta vs. Er. Abhijeet Bhagat etc.

List Of Witnesses:

1. Complainant in person
2. Dr Satish Aggarwal, state appropriate authorities for Sirsa -cum- Director General Health Services Haryana.
3. Balbir Singh, the Then BDPO Nathusari Chopta District Sirsa
4. Dr Pramod Sharma, Deputy Civil Surgeon, Sirsa
5. Dr Rajesh Chaudhary, Deputy Civil Surgeon, Sirsa
6. Dr Gaurav Arora, M.O PHC Goriwala
7. Dealing Clerk of Civil Surgeon Office of TOHO Act

8. Dealing Clerk/ M.O of DGHS Office Panchkula of TOHO Act
9. Deputy Commissioner, Sirsa along with report sent by Civil Surgeon office No. steno/2017/1920 dated 10.09.2017.
10. Sh Naresh Kumar Son of Deceased Harbans lal R/O Preet nagar Gali bo 6, Sirsa whose skin was removed (consent form no 3) likewise consent form page number 4 to 43 whose skin was removed, Kith and kin may kindly be summoned (address given in consent form.
11. Sh Rajat Mann s/o Praveen maan, House no 2161, sector 13 Karnal.
12. Veerpal Kaur w/o Shyam lal Siv nagar Dabwali.
13. Dr Vedika Insan, working as a orthopedic doctor and resident of House no 6, G-2 Shah satnam ji sepeciality hospital, Sirsa.
14. Sarabjeet Kaur working as assistant at Shah satnam.
15. Record Keeper/ Clerk along with treatment file of Rajat maan so/ Praveen maan treatment file CR no 153 of 2017 of Balaji Hospital, Mal Road, Karnal.
16. Any other witness with the permission of Hon'ble court.

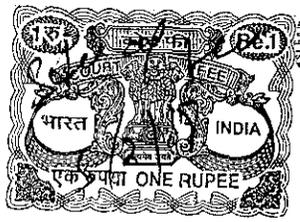
Sd/-

Dr. Gobind Gupta Civil Surgeon
Sirsa authorized by Dr. Satish
Aggarwal State Appropriate
Authorities for Sirsa -cum-
Director General Health Services
Haryana.

True copy



Civil Surgeon, Sirsa.

**ANNEXURE-R-7****SEIZURE MEMO**

Following indoor files, as detailed with deficiencies as recorded alongside have been seized in original with photocopies of the same provided to Dr. Punit Maheshwari, representative of the hospital administration of Shah Satnam Ji Specialty Hospital, Sirsa. All pages of the seized filed have been initialed by Dr. Punit Maheshwar.

S. No.	C.R. No.	Name of the Patient	Deficiency noted	Pages
1	29967 23-July 15	Amritpal Kaur W/o Gurjant Singh	No USG report to confirm RPOC	1-19
2	30678 11-Sept 2015	Luxmi W/o Harish	No USG report to confirm RPOC	1-21
3	31129 5-Oct-15	Kannu D/o Arjun Dass	Two USG report - report dt. 8-Oct-15 unsigned. No report of RPOC.	1-34
4	29199 11-Jun-2015	Suman Rani W/o Atam Parkash	USG report shows viable foetus, D&C done with Diagnosis of incomplete abortion.	1-19
5	31054 2-Oct-15	Simran W/o Deepak	No USG report to confirm RPOC	1-22
6	35456 10-Apr-16	Parkash Rani W/o Sadhu Ram	No USG report for RPOC report of 6.4.16 shows viable foetus.	1-27

Sd/-

Dr. Govind Gupta
Civil Surgeon Sirsa

Sd/-

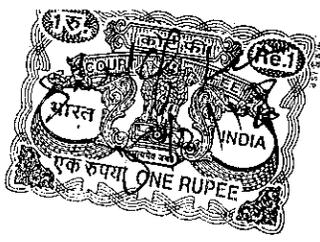
Bajraj Singh,
Duty Magistrate

Sd/-

Dr. Punit Maheshwari
Representative of SSJS Hospital**True Copy****Civil Surgeon, Sirsa**

Sd/-

Dr. Viresh Bhushan
Dy. C.S. (FW)

**ANNEXURE-R-8****Show Cause Notice**

From

Civil Surgeon

Sirsa

To

Chief Medical Officer,

Shah Satnam Ji Specialty Hospital,

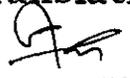
Bhadra Road, Sirsa

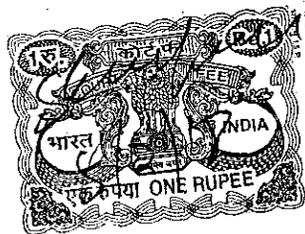
Memo. No. Esst./FW/17/452 Date: 03-10-17**Subject: Regarding Show Cause Notice.**

Show cause notice issued regarding on the subject cited above.

On dated 09.09.2017, during inspection of MTP Centre in your hospital by undersigned and Dr. Viresh Bhushan, Dy. C.S. (FW), Sirsa while inspecting procedure register 6 files of D & C had deficiencies while maintaining the record. The inspection team sized the files on the spot and copy of spot memo & seizure memo were handed over to you.

Now while issuing a show cause notice you have to submit your reply within 15 days to the undersigned regarding the same.

Sd/-
(03.10.2017)**Civil Surgeon
Sirsa****True translation**
Civil Surgeon Sirsa

**ANNEXURE-R-9**

From

Civil Surgeon
Sirsa

To

Chief Medical Officer
Shah Satnam Ji Specialty Hospital,
Near Shah Satnam Ji Dham, Bhadra Road, Sirsa.

No.MTP-2018/24
Dated:25.01.2018

Subject Regarding requesting time to reply back regarding show Cause Notice.

On the subject cited above in reference to your letter no SSJSH/17-18/612 dt. 23.01.2018 it is intimated to you that the case is pending before the Hon'ble Punjab & Haryana High Court for 06.02.2018. Hence keeping in view the seriousness of the case you are given time upto 31.10.2018 to submit reply for the show-cause notice by present incharge of your hospital, otherwise action will be instituted against your hospital.

Sd/-
Civil Surgeon
Sirsa

True Translation

Civil Surgeon, Sirsa



ANNEXURE-R10

DY CS (PNDT) (FW) 30



SHAH SATNAM JI SPECIALITY HOSPITALS

NEAR SHAH SATNAM JI DHAM, SIRSA-125055

Phone No. 01666-238659, 260222, 260223

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SPECIALITY HOSPITALS

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ALLOPATHIC HOSPITAL

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AYURVEDIC HOSPITAL

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BHAJ RANJIT SINGH JI,
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NATUROPATHY HOSPITAL

Run Under :-
"SHAH SATNAM JI RESEARCH AND DEVELOPMENT FOUNDATION"
Regn. No. 9163 of Dt. 09-02-2007 Sub-Registrar, Sirsa 125055 (Haryana)
Website : www.ssjslh.com

Ref. No. SSJSH/17-18/633

Dated 30/01/2018

To

Civil Surgeon,
Civil Hospital,
Sirsa-125055 (Hry.)

491
30-1-18

Sub: Show cause notice

- Reference: 1. Your office letter no. PNDT- 18/14 dated 17.1.18
 2. Your office letter no. स्था0/पंक0/17 / 452 dated 3.10.17 (Received through Email, only on 17.1.18)

Respected Sir,

With due respect, we want to state that no MTP has been done in our hospital till now. Available record of these 6 patients on detailed review reveal that D&Cs were done for RPDC only and not for MTP and thus we have not contravened any of the provisions of MTP Act and Rules in any way.

Even regarding D&C files, it may be noted that out of more than 100 D&C files examined by your esteemed team on 09/09/2017, only 6 were found to have documentation errors. For these 6 files, as per your instructions, we went through the available records in detail and made following observations which we wish to share with your good office:

1. Simran -

Noting in inspection: No USG report to confirm RPOC.

Observations:- USG report (done on 2.10.15) is attached in the file. But due to some clerical error, date on the report has been printed as 3.10.15. But as mentioned above, actually this USG was done on 2.10.15 as evident by date of requisition, date on F Form, date on USG images, date of USG receipt and report of USG s/o RPOC mentioned in notes in indoor file (Pg. no.11) . Moreover in admission file it has been mentioned on 02/10/2015 at 9am (before D&C) that patient came with bleed P/V, Fetus was out and RPOC pending. Same has also been explained in the consent for D&C as signed by the patient in hindi language. Hence, No MTP has been done.

9



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Website : www.ssjsjsh.com

Ref. No. *SSJSJH/17-18/633*

Dated *30/01/2018*...

2. Suman:-

Noting in inspection : USG report shows viable fetus, D&C done with incomplete abortion.

EXPLANATION by "Gynaecologist Dr Irina" through Email –

The patient had come with complaints of bleeding per vaginum since 3 days. So as per protocol she was sent for USG to see viability of pregnancy.

Her Usg report clearly says

- 1- irregular Gestational Sac
- 2- Blood clots around Sac
- 3- Scanty amniotic fluid
- 4- feeble cardiac activity

- Any standard textbook of Obstetric USG, clearly mentions that these points indicate a failing and non viable pregnancy.

After the patient returned with her USG report, she was found to have blood clots/products of conception coming out of Vagina on Examination.

Probably If we would have repeated a USG after examination, report would have been that of retained POC's, but that would unnecessarily increase cost to the patient, and I did not deem it necessary, relying on my clinical experience.

Unfortunately I forgot to mention it in the OPD slip. But it is mentioned in the Patient case sheet History and examination section. [BPV present - Bleeding per vaginum].

It is standard procedure to give 200 mcg of misoprostol before any D& C procedure whether it is done for obstetric indication or for gynaecological indication, and it is now a days even given before HSG procedure which is a diagnostic test.

Misoprostol causes softening of cervical internal os so that we can easily maneuver instruments through it without causing trauma.

AR



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Ref. No. *SSJSH/17-18/633*

Dated *30/01/2018*.....

Hence giving misoprostol before procedure does not indicate that it was a case of viable pregnancy.

Dose of misoprostol for MTP is 800 microgram to be given per vaginum. And usually it is preceded by tablet Mifepristone.

3. Kannu :-

Noting in inspection: two USG report dated 8/10/2015 unsigned. No report of RPOC

Observations:

Regarding 'two USG report dated 8/10/2015 unsigned' - USG was actually done only once ie. On 6.10.15 as evident by USG receipt, date on original USG report and USG films and USG report on discharge card. Also Patient was discharged on 6.10.15 itself and she did not return to hospital on 8.10.15. The USG report in file dated 8.10.15 is actually a duplicate copy of the report dated 6.10.15. 'Duplicate copy' is mentioned on this report and the printed contents are exactly same as those on report dtd. 6.10.15. This date change has thus been apparently a clerical error only.

Regarding 'No report of RPOC' : Discharge card of our hospital mentions that dead fetus was handed over to attendants on 5th Oct itself while USG and D&C were done on 6th Oct 2016. USG was done on 6th OCT 2015 at 9:51 am and mentions 'to correlate clinically for RPOC'. D&C was done on 6th OCT at 3:45 pm. Thus this is not a MTP case. Moreover, admission file also mentions that patient was unmarried and had taken multiple inducing agents to cause withdrawal bleed before presenting to our hospital. Also she had taken Misoprost for medical MTP from outside, 2 days before admission in our centre.

4. Amritpal Kaur-

Noting in inspection: NO USG report to confirm RPOC.

Observations: As noted on OPD slip dtd 22.7.15, patient had taken MTP pill (on 8.7.15) 15 days before presenting to our hospital. USG was done on 22.7.15 as evident by requisition & USG receipt. Discharge card also mentions about this USG s/o RPOC. D&C was done next day on 23.7.15 .

A



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Ref. No. S.S.J.S.H./17-18/633

Dated..30/01/2018.....

This was not a MTP case, it appears that the ultrasound report may have been given mistakenly to the attendants instead of keeping in file.

5. Laxmi -

Noting in inspection: No USG report to confirm RPOC.

Observations: - USG report has been mentioned in the doctor's notes in indoor file and discharge card as inhomogenous material in ET, myometrium is altered in echotexture and left ovarian cyst and final diagnosis of RPOCs was made (as mentined in file on Pg.11).

As this was not a MTP case, the ultrasound report may have been given to the attendants (a clerical error).

Even if we consider the circumstances, it is observed that patient's LMP was on 21/08/2015 and she presented to us on 11/09/2015 with continuous bleed P/V since 21/08/2015. It is too early gestation for sex determination and thus there is no valid reason why an intentional MTP would have been attempted.

6. Prakash Rani:-

Noting in inspection: No USG report for RPOC. Report of 6th shows viable fetus.

Observations : Her Emergency slip dated 10.4.16 mentions that she was having bleeding P/V for last 5 days. Notes in Indoor file on page 16 dated 11.4.16 at 9 am also mention that she presented with heavy bleed P/V with clots. Ultrasound report was mentioned in discharge card. The original USG report may have been given to the attendants instead of keeping it in file. This is a clerical error and this was not a MTP case.

Even if we consider the circumstances, it is pertinent to mention that USG report of 6/4/2016 shows pregnancy of 7 weeks 2 days which is insufficient for sex determination and thus there is no valid reason why an intentional MTP would have been attempted.

[Handwritten signature]



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Website : www.ssjs.com

Ref. No. *SSJSH/17-18/433*

Dated. *30/01/2018*

We politely submit that minor documentation and clerical errors have been there in these few routine D&C files. These have been unintentional errors and at the same time we assure your good office that all necessary precautions will be taken on our part so that such documentation errors are not repeated in future.

We wish to reinstate the fact that we have never conducted any MTP in our hospital. It may be noted that our hospital is registered under MTP act and If we had wanted to do any MTP at our center, we could have done that under the MTP guidelines and rules.

As we have not contravened any of the provisions of MTP Act and Rules in any way, so no action may please be taken under the MTP Act and Rules.

Yours Sincerely

Dr. Gaurav Aggarwal

Jt. CMO

Chief Medical Officer Senior Consultant Physician & Intensivist

Shah Satnam Ji Speciality Hospital, M.D. (Medicine)

Shah Satnam Ji Speciality Hospitals

Near Dera Sacha Sauda, Sirsa-125055 (Haryana)

Sirsa-125055 (Hry.)

True copy

CIVIL SURGEON, SIRSA