BEFORE THE DISTRICT MUNSIFF CUM JUDICIAL MAGISTRATE COURT AT NEYVELI, CUDDALORE DISTRICT

APPROPRIATE AUTHORITY

FOR SUB DISTRICT UNDER

PRE- CONCEPTION &

PRE- NATAL DIAGNOSTIC

TECHNIQUES ( PROHIBITION OF COMPLAINANT

SEX SELECTION) ACT (CENTRAL ACT)

NO.57 OF 1994 & THE CHIEF MEDICAL OFFICER

VRIDHACHALAM, CUDDALORE DISTRICT

VS

M/S MAHALAKSHMI NURSING HOME ACCUSED

PERIYAKURICHI, NEYVELI-2

DR.K.RAMACHANDRAN,

MAHALAKSHMI NURSING HOME ACCUSED

PERIYAKURICHI, NEYVELI-2

CUDDALORE DISTRICT

COMPLAINT FILED UNDER SEC 28(1) OF THE PCPNDT ACT 1994 FOR OFFENCES UNDER SECTIONS 6 (a) AND SECTION 6 (b) PUNISHABLE UNDER SECTIONS 23(1) AND 25 OF THE PRE -CONCEPTION & PRE- NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT (CENTRAL ACT) NO.57 OF 1994.

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The Complainant is the Sub District Appropriate Authority for Vridhachalam Sub Division, Cuddalore under THE PRE CONCEPTION AND PRE NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION Office Superintendent SEX SELECTION) ACT (CENTRAL ACT) No.57 of 1994 and the Chief Medical Officer, Government Hospital, Vridhachalam, Cuddalore District nominated under Sec.17(3b) of the said Act Authorized to implement several provisions of the Act including conduct of investigation into any alleged breach of the provision of the Act by any unit operating in Vridhachalam, Cuddalore. Vellore District and to search and seize the relevant material objects, documents and records pertaining to the erring institutions.

It is submitted that, Mahalakshmi Nursing Home, situated at Periyakurichi, Neyveli, Cuddalore District run by Dr.K. Ramachandran is engaged in conducting Diagnostic Techniques duly possessing the facility of Ultra Sound Technology in the centre. Dr.K.Ramachandran is the owner of the said Mahalakshmi Nursing Home situated at Periyakurichi, Neyveli, Cuddalore District. Based on the complaint from the District Collector, Perambalur, a team was deputed to Perambalur. At a meeting of Village Health Nurses of Perambalur Health unit held on 07/02/2014 at Collectorate, Perambalur, it has been brought to the notice of the team by one Village Health Nurse Namely Ms Pechiyammal attached to Vayalapadi Health Sub Centre that there is a patient namely M/s Maheswari W/o Vibushan, Karaipadi village, Kunnam Taluk, Perambalur District was reported as undergone Medical Termination of Pregnancy after revealing the Sex of foetus as female. The Team headed by Dr. D.A.S.Kumar, Joint Director of Health Services, Perambalur has paid a surprise visit to M/s Chackkarapani Nursing Home, Tittagudi run by Dr. Jothi Mullainathan where the said patient under gone MTP. It was

found that M/S Maheswari had undergone MTP on 05.02.2014 with history of bleeding of missed abortion. On inquiry with Dr.JothiMullainathan, about the confirmation of Pregnancy of Ms Maheswari, she told that M/S Maheswari has produced a Scan report dated 04/02/2014 from M/S Mahalakshmi Nursing Home , Neyveli. Where she was told the sex of foetus as female orally by the Nursing Home authorities and then she consumed abortion tablets by her own and after having bleeding, she urged to Dr.Jothi Mullainathan for proper termination of pregnancy and to save her life. Dr.Jothi Mullainathan had terminated her pregnancy on 05/02/2014 duly recording the same on the MTP register as ‘abortion pills failure’ maintained at her Chackkarapani Nursing Home, Tittagudi. The MTP register from M/S Chackkarapani Nursing Home, Tittagudi was taken for verification by the Directorate Officials. Dr.Jothi Mullai Nathan has obtained a statement from M/S Maheswari about the instance and same was handed over to Mr M. Kamalakannan Office Superintendent, Office of the Director of Medical and Rural Health Services, Chennai-6 further process on 09/02/2014. In the above instance it is clearly noticed that M/S Mahalakshmi Nursing Home, Neyveli is in the practice of revealing sex of patients undergoing scan procedure in their scan centre and which is a violation under section 6(a) and Section (b) of the Pre-Conception and Pre-natal Diagnostic ( Prohibition of Sex Selection) Act 1994.

Then the team had paid a surprise visit to M/S Mahalakshmi Nursing Home, Neyveli on the same day of 07.02.2014 and searched the premises in the presence of Dr.K Ramachandran for any documented evidence of Ms.Maheswari’s entry on 04/02/2014 in that said Nursing Home and taken the following records are verification with due receipt and the same was acknowledged by Dr.K.Ramachandran.

1. Bill Book (Scan) No.37-1 Number (14401 to 14800)
2. Scan nominal register 15.10.2013 to 07.02.2014 -1

Number

1. Form F Register 16.12.2013 to 07.02.2014

Total leafs 93

On verifications of records, the above said patient Namely M/S Mahaswari was not recorded either in nominal register or in form F register which is a violation as per section 29 of PCPNDT Act1994.

A notice was issued to M/S Mahalakshmi Nursing Home by the Director of Medical and Rural Health Services, Cheenai-6 & State Appropriate Authority, PCPNDT Act 1994 to produce the following the records before the State Appropriate Authority, PCPNDT Act 1994 vide ref No. 5331/E7/2/2014, Dated-14.02.2014 by registered post.

Dr.K.Ramachandran in his letter dated-18.02.2014 submitted in person before the State Appropriate Authority, and Stated that.

With reference to the above I wish to submit the following records for perusal.

Form-F from 07.02.2012 to 15.12.2013 (10 Registers)

(16.12.2013 to 07.02.2014 ahead handed over )

Nominal register 07.02.2012 to 14.10.2013 ( 2 registers)

(15.10.2013 to 07.02.2014 already handed over)

As regards other item viz item (1) (4) and (5) they have not been preserved and however instructions are noted for future guidance.

It is submitted that item(1) of the notice deals with the recommendation letter (or) referral slip for the patients screened. Item No.4 of notice deals with Ultra Sonic slide / Hard copy of the image printouts issued to the Antenatal Cases. Item No.5 deals with cash receipt book and scan accounts book from 07.02.2012 to 06.02.2014. The above statutory records are supposed to be maintained as per section 29 of PCPNDT Act 1994.

It is stated that as per his letter 18.02.2014, Dr.K.Ramachandran has deposed that he did not maintained the required statutory documents and which is violation of section 29 of the PCPNDT Act 1994. Dr.K.Ramachandran was instructed in person by the State Appropriate Authority, PCPNDT Act 1994 to stop such kind of violation with immediate effect.

Dr.K.Ramachandran was on under surveillance by the State Appropriate Authority whether he is continuing the practice of reveal of sex of foetus for the Antenatal Cases undergoing scan procedures in his scan centre.

On Ist weak of May 2014 a complaint was again made to the State Appropriate Authority by the District Collector, Perambalur over Phone about the said Dr.K.Ramachandran. The State Appropriate Authority and The Director of Medical and Rural Health Services, Chennai-6 has deputed a team from Chennai headed by Dr.A.Govindharajan, Joint Director of Medical and Rural Health Services, Chennai-6 and Thiru.M.Kamalakannan, Superintendent, and Thiru Muthusamy Assistant from Directorate. The records taken for verification by the Directorate Staff from Dr.Jothi Mullainathan of Tittagudi and from Dr.K.Ramachandran of Mahalakshmi

Nursing Home, Neyveli on 07/02/2014 and also the records submitted on 20/02/2014 by Dr.K.Ramachandran to the State Appropriate Authority, PCPNDT Act 1994 and the Director of Medical and Rural Health Services was handed over to the District Appropriate Authority, Cuddalore for further process on 09/05/2014 in person by the team deputed from Chennai while on their visit at cuddalore. The District Appropriate Authority, Cuddalore Dr.R.Krishnamoorthy and Dr. D.A.S.Kumar, Joint Director of Health Services, Perambalur specially deputed from Perambalur for assistance. The members of District Advisory Committee, PCPNDT Act Cuddalore, 1. Dr.G. Saileela, DGO., Govt. Head Quarters Hospital, Cuddalore, 2.Dr.Sara Zerlin Paul, Paediatrician, Government Head Quarters Hospital, Cuddalore 3. Dr. N.Hapiza, Nodal Officer, PCPNDT Act, Cuddalore, 4. Ms.Jayanthi Ravichandiran, Chairman, Child Welfare Committee, Cuddalore were made a combined surprise visit at Mahalakshmi Nursing Home , Neyveli on 09.05.2014 at 11.00 A.M.

The Deputy Superintendent of Police, Thiru.Kalaiselvan, Neyveli and Thiru Narasimmavarman, Assistant Commissioner of Police, Office of the Director of Medical and Rural Health Services, Chennai-6 and Thiru.Raja, Inspector of Police, Mandarakuppam were accompanied for protection. The team has inspected entire premises of Mahalakshmi Nursing Home including Scan Room. After a thorough inspection, a room was identified by the team and that room was happened to be MTP room with unhygienic condition and which was kept ready for doing MTP.

After inquiry with the Nursing Home authorities it was brought to the notice of the Team that M/s Mahalakshmi Nursing Home has not obtained the prior permission for

performing Medical Termination of Pregnancy from the Authorities Concerned and which is also a violation as per MTP Act 1971. On investigation it was noticed that one patient namely Ms.Agastia, female aged 24 years W/o Thirumalai of Yamapur village, Villupuram District with 16 weeks of pregnancy was administered MTP drugs and kept ready for doing MTP in a short while on the day of Inspection made by the Team.

After a detailed inquiry with the patient Ms.Agastia and her husband Thirumalai it was brought to the notice of the Team, that the sex of the foetus of Ms Agastia was disclosed to the patient and her husband as female by Dr. K.Ramachandran and termination of pregnancy was to be carried out on 09/05/2014. Thirumalai has paid a lumsum amount of Rs.22,000/- (Rupees Twenty Two Thousand only) to the Nursing Home. The Hospital authorities retuned the amount of Rs.20,000/- (Rupees Twenty Thousand only) without any documentation to Mr.Thirumalai, husband of Ms.Agastia after interrogation of the Team with the Hospital authorities as if the patient had undergone MTP at the said Nursing Home she would have infected. The patient has deposed the instances happened in Mahalakshmi Nursing Home, Neyveli in writing before the team and the same was witnessed by her husband. The above attitude of Dr.K.Ramachandran attracts the provision under section 6(a) and Section (b) which is punishable under section 23(1) and section 25 of the PCPNDT Act 1994.

The Patient Ms Agastia was physically examined by Dr.G.Saileela, MBBS,DGO Chief Civil Surgeon, Government Head Quarters Hospital, Cuddalore during the course of inspection on 09/05/2014 and was referred to Government Head Quarters Hospital, Cuddalore for further Medical Management as she was with History of Five months

Amennorhoea with complaints of bleeding per vagina and she was febrile and also she was having foul smelling discharge per vagina on the findings of investigation. She was ready for DIALATATION and curettage and in the Labour room where the D&C set was ready which was found to be unsterile. The Patient Agastia was referred to Government Head Quarters Hospital, Cuddalore by 108 ambulance for further expert management with medico legal guidance. Phone instructions was given by Joint Director of Health Services, Cuddalore and inspection team from Chennai-6 to the Medical Officer OG (inch.) on 09.05.2014. The patient Agastia was treated by Dr.Srimathy MD DGO, Chief Civil Surgeon, Government Head Quarters Hospital, Cuddalore. The entire process of investigation made at Mahalakshmi Nursing Home, Neyveli on 09/05/2014 was completely video graphed.

During the course of investigation it was found that the mandatory records to be maintained as per section 29 of the said Act was either not available or incomplete. As per rules all the records pertaining to pregnancy related procedures have to be maintained by all units registered under the Act. Records like: Contact details registers, records in form F and G and other Case records must be maintained. It must be noted that, in the light of amendments to the rules allowing for Ultra Sound Tests to be conducted for a wide range of indication, failure to maintain records for Ultra sound test conducted will be treated as a disclosure of the sex of the foetus and will be dealt with accordingly.

In this particulars case of Mahalakshmi Nursing Home, Neyveli on scrutinizing the records submitted by them, it is noticed the hospital authorities are in the habit of non maintance of statutory records for major number of ante cases especially patients from other districts. Moreover on

verification of records dated 07/02/2014, the cash book serial Number 37 containing bill serial number from 14401 to 14800, cash receipts have been issued from S.No 14401 to 14409 duly mentioning “Scan’’ for nine patients and these nine patients entry not recorded in Form-F and Nominal Registers. While demanding the rest of used cash bill books ie, previous day 06/02/2014, Dr. K.Ramachandran has told to the team, that he has destroyed the cash bill book every day in the evening.

For the two cases namely M/s Maheswari of Karaipadi Village, kunnam Taluk who undergone ultra sound scan procedure on 04.02.2014 was issued a scan report and a image printout. In that foetus image printout it is printed electronically the scan procedure was done on 04/02/2014 at 14.09.27 (ie, 02.09 pm) hours & Mahalaksmi Hospital, Neyveli. For Ms.Agastia from villupuram District who under gone Ultra sound scan was issued only referral slip for further medical management to Government Head Quarters Hospital, Cuddalore that too after the interference of the team with Hospital authorities. For these above two cases no evidence of documentation were found at Mahalakshmi Nursing Home, Neyveli.

After the investigation the following scan machines were seized:

1. Wipro GE Model VOLUSON 730 PRO Serial No A45046 2011-09 Monitor AY-15CUK
2. Wipro Ge RT 3200 Advantage II Caution 0812141 A03-Eu 54992121006 .

The Seizure mahazar was prepared in the presence of Dr.K.Ramachandran owner of Mahalakshmi Nursing Home, Neyveli. , Dr.D.A.S.Kumar , Joint Director of Health Services, Perambalur and Dr.A.Govindharajan, Joint Director of Medical and Rural Health Services, Chennai-6 with two public independent witnesses namely 1) Thiru.P. Subramaniyan, Record Clerk., Government Hospital, Vridhachalam and 2) Thiru.A.Veeragavan, Manager, Mahalakshmi Nursing Home, Neyveli. The two seized ultra sound machines were kept locked and sealed in the scan room of Mahalakshmi Nursing Home, Neyvli before the Vridhachalam Tahsildar Thiru. Viswanathan for safe custody as theses equipments belongs to Electronics. One copy of the seizure magazer was handed over to Dr.K.Ramachandran with due acknowledgement and obtained declaration that the seized and sealed machine should be produced before the Court of Law as when needed. The Certificate of Registration was suspended until further on 09/05/2014 on public interest to curtail further female foeticide.

I submit that the Technique adopted herein namely Ultrasound scan is one of the procedures approved for being conducted in the Genetic counseling centres and Genetic Clinics and this procedures can be misused for determination of sex of foetus which indirectly may lead to female foeticide and infanticide as such Dr. K Ramachandran (Accused ) though being a Medial Doctor has failed to comply with the provisions of the Act as per section 6(a) and 6(b) which is punishable under section 23(1) and section 25 of the Pre-Conception and Pre-natal Diagnostic Techniques ( Prohibition of Sex Selection) Act 1994.

Dr.K.Ramachandran owner of Mahalakshmi Nursing Home Neyveli has revealed the sex of foetus to M.s Maheswari of Kunnam village of Perambalur District and Ms.Agastia of Villupuram District without proper documentation as per the Act and thereby aided for female foeticide and committed an act in violation of the Act as per Section 6(a)and Section 6(b) and Section 29 and which punishable under section 23(1) and section 25 of the Pre-Conception and Pre-natal Diagnostic Techniques ( Prohibition of Sex Selection) Act 1994.

The Hon’ble Supreme Court of India have issued direction in WP No 349/2006 dated 04/03/2013 directed that:

“The State Advisory Committees and District Advisory Committees should gather information relating to the breach of the provision of PCPNDT Act and the Rules and take steps to Seize Records Seal Machine and institute legal proceedings of the notice violation of the provision of the PCPNDT Act.”

Hence it is humbly submitted that the accused have breached the provision of the PCPNDT Act by way of revealing the sex of foetus of the above said patients without proper documentation as per Act which is an OFFENCE UNDER SECTION 6(a) and Section 6(b) and section 29 of the Act and punishable under section 23 (1) and 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 this complaint on file and dispose it according to the provisions of the Law.

List of Documents:

1. Perambalur Collector letter dated 02/02/2014
2. Notice dated 14/02/2014 issued to Mahalaksmi Nursing Home Neyveli by the State Appropriate Authority.
3. Letter dated 18/02/2014 of Dr.K.Ramachandran, Mahalakshmi Nursing Home, Neyveli addressed to State Appropriate Authority.
4. Seizure Magazer dated 09/05/2014
5. Suspension of registration order of Sub-District

Appropriate Authority, Vridhachalam dated

09/05/2014.

1. MTP Registers taken on 07/02/2014 from Dr.Jothi

Mullainathan, Tittagudi.

7. Bill Book (Scan) No.37-1 Number (14401 to 14800)

8. Scan nominal register 15.10.2013 to 07.02.2014 -1

Number

1. Form F Register 16.12.2013 to 07.02.2014 Total leafs

93

1. Form-F from 07.02.2012 to 15.12.2013 (10 Registers)
2. Two reporting Blank Ultra sound scan printed sheets

of Mahalakshmi Nursing Home. (Obstetric Scan,

Pelvic Scan)

12.Nominal register 07.02.2012 to 14.10.2013 ( 2

registers)

13. Deposition of Ms.Maheswari before Dr.Jothi

Mullainathan.

14. Deposition dated 09/02/2014 of Dr. Jothi

mullainathan.

15. Scan Report and Image printout of Ms.Maheswari

from Mahalakshmi Nursing Home, Neyveli.

16. Deposition of Ms. Agastia of Yamapur Village.

16. Deposition of Mr.Thirumalai of Yamapur Village.

17. Inspection Report of Dr.N.Hafisa, Nodal Officer,

PCPNDt Act, Cuddalore

18. Inspection Report of Dr.Saileela, MBBS, DGO, District

Inspection Monitoring Committee, PCPNDT Act

1994, Cuddalore.

19. Dr.Sara Zellin Paul, Paediatrician, District Inspection

Monitoring Committee, PCPNDT Act 1994,

Cuddalore.

20. Inspection Report Ms.Jayanthi Ravichandran,

Chairman, Child Welfare Committee, Cuddalore &

Member, District Advisory Committee, PCPNDT Act

Cuddalore

21. Hon’ble Supreme Court Order dated 04/03/2013

issued in WP No 349 of 2006.

List of Witness:

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| Sno | Name of Witness | Case details to be witnessed |
| 1 | Dr. C.Rajendran, MBBS, D ortho.,  Chief Medical officer,  Government Hospital,  Vridhachalaem &  Sub District Appropriate Authority,  PCPNDT Act 1994, | To speak about the Complaint & other facts |
| 2 | MS.Pechiammal,  Village Health Nurse,  Vayalapadi Health Centre,  Perambalur District | To speak about the history of  Ms. Maheswari Pregnancy and followup. |
| 3 | Dr.D.A.S.Kumar,  Joint Director of Health Serices  Permbalur. | To speak about the case of Ms.Maheswari and the case of Mahalakshmi Nursing Home, Neyveli |
| 4 | M.Kamalakannan.  Superintendent,  Office of the Director of Medical and Rural Health Services, Chennai-6 | To speak about the complaint and the deposition of Dr. Jothi Mullainathan dated 09/02/2014. |