DMC/DC/F.14/Comp.2081/2/2020/ 19th March, 2020 **O R D E R**

**The Delhi Medical Council through its Disciplinary Committee examined a** representation from the Deputy Commissioner of Police, forwarding a complaint of Smt. Meena Raghav, r/o H.No.1150A, K-2 Block, Sangam Vihar, Pushpa Bhawan S.O., New Delhi-110062, alleging professional misconduct on the part of doctors of Pt. Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi-110017, in treatment administered to complainant’s son Hitesh at Pt. Madan Mohan Malviya Hospital.

The Order of the Disciplinary Committee dated 20th January, 2020 is reproduced herein-below :-

**The Disciplinary Committee of the Delhi Medical Council examined a** representation from the Deputy Commissioner of Police, forwarding a complaint of Smt. Meena Raghav, r/o H.No.1150A, K-2 Block, Sangam Vihar, Pushpa Bhawan S.O., New Delhi-110062 (referred hereinafter as the complainant), alleging professional misconduct on the part of doctors of Pt. Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi-110017, in treatment administered to complainant’s son Hitesh (referred hereinafter as the patient) at Pt. Madan Mohan Malviya Hospital (referred hereinafter as the said Hospital).

The Disciplinary Committee perused the complaint, Dr. Annuradha Shrama Medical Superintendent enclosing therewith written statement of Dr. Suraj Ranjan Gupta of Pt. Madan Mohan Malviya Hospital, copy of medical records of Pt. Madan Mohan Malviya Hospital and other documents on record.

The following were heard in person :-

1. Smt. Meena Raghav Complainant
2. Dr. Suraj Ranjan Gupta M.O., Pt. Madan Mohan Malviya Hospital

The Medical Superintendent, Pt. Madan Mohan Malviya Hospital, failed to appear before the Disciplinary Committee, inspite of notice.

The complainant Smt. Meena Raghav alleged that her son Hitesh Kumar aged about 18 years was having pain in the penis on 11th April, 2016; when he went to Pt. Madan Mohan Malviya Hospital and consulted Dr. Suraj Ranjan Gupta and Dr. Suraj Ranjan Gupta instructed her son to collect Form from reception. Dr. Suraj Ranjan Gupta instructed her son to take Form in which her son age was mentioned by the doctor as 25 years and also informed her son that his is a minor operation. Her son was under impression that it is a minor operation and after operation her son will be relived form pain, as stated by the doctor but her son was not aware of the fact that his son was going to be operated for non-scalpel vasectomy. Dr. Suraj Ranjan Gupta operated on her son and at that point of time, her son was not aware of the fact that her son is going to be operated for non scalpel vasectomy. Dr. Suraj Ranjan Gupta started the operation at about 11 o’clock of non scalpel vasectomy and completed the operation at about 12 o’clock and around 1 o’clock her son was discharged. It is pertinent to mention here that in the operation Form her son age was shown as 25 years and also in the operation Form it was shown that he is having two children specifically when her son is not yet married. Her son is only 7th class pass, her son was not able to understand that Dr. Suraj Ranjan Gupta is going to operate him for non scalpel vasectomy and also it is relevant herein, that only signature of her son was taken in the operation Form and rest other thing was filed up by Dr. Suraj Ranjan Gupta and nurse. Subsequently, when she enquired from her son as to the type of medicines he was taking; her son replied that he was having pain in the penis. Then thereafter, she went to the chemist shop and showed the medicines to the chemist and asked him (chemist) for what purpose these medicines are taken, in turn he (chemist) replied that these medicines are taken by the patient who has been operated for non scalpel vasectomy. Then, she asked the chemist that what is non scalpel vasectomy operation then he (chemist) replied that this is operation for permanent interrupting the delivery of sperm in male, she was shocked and surprised to hear the same. Then, she met Dr. Suraj Ranjan Gupta on 18th April, 2016 and asked Dr. Suraj Ranjan Gupta why he (Dr. Suraj Ranjan Gupta) had conducted operation for non scalpel vasectomy on her son, he (Dr. Suraj Ranjan Gupta) replied that who so ever is having pain in penis, he (Dr. Suraj Ranjan Gupta) operates them for non scalpel vasectomy. By this act of Dr. Suraj Ranjan Gupta presently working in Pt. Padam Mohan Malviya Hospital spoiled/ruined her son and also in future nobody will marry her son and her son will not be able to become a father in future. It is her humble request that appropriate action be taken against Dr. Suraj Ranjan Gupta.

Dr. Suraj Ranjan Gupta, M.O., Pt. Madan Mohan Malviya Hospital in his written statement averred that he is a qualified Medical Officer RCH 11, working in Pt. Madan Mohan Malviya Hospital since 25/07/2007 i.e. for about 10 years and he is posted in the Department of Paediatrics and his patients are in the age group of 0 days to 12 years specifically and strictly. He has been given an additional duty to perform NSV (Non Scalpel Vasectomy) surgery in the hospital from May, 2008. He has been allotted the OPD having the Room No. 263 situated at the 2nd floor of the hospital, Department of Paediatrics and examining the paediatric patients in the age group of 0 days to 12 years specifically and strictly, and seeing male family planning (NSV) patients. He has successfully undergone training for NSV (non scalpel vasectomy) under Dr. H.C. Das in LNJP hospital under Govt. of NCT of Delhi in January, 2008 and thereafter empanelled as NSV surgeon vide Letter No.F.20(20.37)RCH II/DFW/2007/3057 Dated 24/04/2008. As a result of his medical education and extensive training, he now has the clinical experience of more than 10 years in dealing in with all types of paediatric and male family planning (NSV) patients. He has performed about 250-300 NSV surgery till now. He is registered with Delhi Medical Council(Registration No. 31882). He has submitted NSV training certificate, empanelment letter, copy of DMC registration and copy of guidelines for standard for male sterilization page No. 17 to 24 from Manual of Standard for Female and Male Sterilization Services by Research Studies and Standards Division, Ministry of Health and Family Welfare, Govt. of India, 2006 and OPD Card and consent form of the patient. On 01/04/2016(Friday), a patient named Hitesh Kumar aged 25 years male came to his OPD room 263, 2nd floor department of paediatrics having an OPD card with department mentioned as surgery room no.184. The patient came for NSV operation and sought his (Dr. Suraj Ranjan Gupta) advice on the male family planning programme. On his further inquiry about the family as per their routine protocol, he talked the patient to get some personal details of the patient and he counselled the patient and tell about various method available for temporary/permanent contraception for both male and female. He was apprised that he (the patient) is married (wife Sadhna aged 20 years) and has two children (namely Lucky 2 years and Chandni 1 years) and he (the patient) does not wishes to further extend his family and his (the patient) wife is also not using any temporary/permanent method of family planning. After counselling session, the patient was adamant and on his (the patient) persistent request for NSV, he again counselled the patient and apprised the patient about the procedure and details of the surgery. He also apprised the patient about the basic details of NSV what is NSV, it is a permanent procedure for male sterilization operation for family planning, chances of recanalizaion is very less, duration of the operation, post operation care and effects and side effects and need for post semen analysis after months of surgery for certification issue in his (the patient) vernacular language i.e Hindi to which the patient wilfully agreed. After the patient understood all the procedures, he (the patient) asked him to proceed further as to whatever was required for the surgery, so, he examined the patient as per the protocol of Family Planning Programme laid down by the Govt. of India as well as the Govt. of NCT of Delhi. He examined the general and systemic and local genitalia of the patient and found him medically and psychologically fit. After this, the patient was also further examined for the basic parameters in the hospital itself. Xylocaine sensitivity in room no.21 i.e injection room at ground floor; RBS (random blood sugar) and blood pressure in room no.281 at 2nd Floor and BT, CT in Room No.301 at 3rd Floor. Afterwards, the patient came and met him in my OPD i.e Room No.263 in the hospital dated 01/04/20169 (Friday) and he went through the investigation reports and asked the patient to come prepared after having his (the patient) breakfast on 04-04-2016 (Monday 9:00 a.m.). The patient instead of 04-04-2011(Monday), came on next to next Monday 11-04-2016 and told him that he (the patient) wants to undergo for NSV surgery, as his family is completed and he does not want any child in his (the patient) future. On 11th April 2016 again, the patient was counselled about the procedure, duration of the surgery, effects and side effects and need for post semen analysis after 3 months of surgery for certification issue in his (the patient) vernacular language i.e Hindi and was asked to read the consent form in Room No.265, so that it is confirmed that whatever was told to the patient, the patient has understood it completely and after that counsellor staff Miss Sonia, ANM explained the patient again and the patient read it and filled the form and signed the dotted line as *"*Hitesh" in English in all the documents on in the patient supplement relevant information form by DFW/FPIS-1112012/consent form in Hindi as modified by Family Planning Deptt., GNCTD. In the consent form, the patient has mentioned his name as Hitesh Kumar 25yr/M, wife Name Mrs. Sadhana S/oJagpal Kumar, R/o. K-II/1150 Pushpa Bhawan, Sangam Vihar, New Delhi - 62, Mob. No 7065297600. Name of Child – one Lucky (2 years Male) and second Chandani (1 year female), education-9th class, profession-private business. The consent form was duly signed by the patient Hitesh Kumar and Sister Sonia, ANM and by him wherever the signatures were required in the documents. After this, NSV surgery was done in minor OT Room No.183 at first floor of the hospital under local anaesthesia and the patient was kept under observation for one hour post-surgery. After that, the patient was discharged in satisfactory condition, as NSV is a day care procedure. In discharge patient was advised to take the medicines as advice in discharge slip and certain information about do’s & dont’s. The patient was advised to come after two days for review and collect NSV acceptor money Rs.1310/-. As there was no fund available with them at that time but the patient requested for some money, as the patient was not having any money in his pocket to return home. In this situation on moral humanitarian ground partial payment was made Rs.500/-(which is written in the back of discharge slip). After that, the patient did not come for receiving NSV acceptor money even after repeated. After perusing the complaint of the mother of the patient (the complainant) has alleged that his son (the patient) aged 18 years has come to the hospital with the complaint of pain in penis. It is worth mentioning here that the patients get themselves registered at the Registration Counter for respective departments like Medicine, Eye, ENT, Surgey, Paediatrics, Orthopaedics etc after they apprise the staff of the Registration Counter about their problem and need for treatment. He has no role to play in getting the registration of the patient done at the registration counter. Once the registration is done, the patient is advised to visit the respective OPD and room of the department. The OPD card of the patient clearly mentions his name, age, sex, registration no., time of registration and the department alongwith the room No. which crystal clearly falsifies the allegations of Smt. Meena Raghav. Moreover, the patient had first visited the hospital on 01/04/2016 OPD card registration no.98935 department of surgery room no.184 (situated in first floor) and the patient had come there for the treatment of pain in penis, as complained by the complainant. Moreover and surprisingly, the complainant was not given any treatment for the alleged pain in penis and the patient returned to the hospital after around 10-12 days and the patient remained normal without pain for that period of time. This kind of allegation is hypothetical and an afterthought just to malign and tarnish the image of profession of highest morality. It is further worth mentioning here that the complaint has been filed with the Delhi Medical Council a period of more than one year which itself clears that it has been filed to harass and blackmail him. It is further worth mentioning here that the patient had undergone through multiple health care professional and staff in the process of desire surgical procedure. He strongly opposes the said false and frivolous complaint, as the same has been filed with ulterior motives and malafide intentions to defame him and to gain undue advantages. The complaint is nothing but a bundle of lies. He requests the Delhi Medical Council to properly investigate the matter in the interest of justice. In his defence, he wants to say that if patient Hitesh Kumar is having pain in penis, as complained by the complainant, the patient should have visited OPD Room No.184 First Floor, Department of Surgery. Any adult patient coming to meet him in Second Floor, Department of Paediatrics Room No 263, where he generally see only paediatrics patients and male family planning patient. It itself justify that the patient has need related to male family planning and for that reason patient visited to his room no.263 second floor department of paediatrics. Registration slip is made by the patient from the registration counter ground floor, so the role of the doctor does not arise here. The patient is a major/adult and given inform and written consent by himself, if before, undergoing for NSV surgery. Most respectfully, he prays to the Delhi Medical Council and other learned and worthy members of the Delhi Medical Council to assess this situation and his professional conduct in correct perspective and provide justice to him.

The Disciplinary Committee noted that as per the OPD Ticket No.98935 dated 1st April, 2016, the patient Shri Hitesh Kumar reported to the said Hospital on 1st April, 2016. As per the OPD ticket, the age of Shri Hitesh Kumar is mentioned as 25 years. Further, it is recorded that Shri Hitesh Kumar had two children one boy and one girl aged two and half years. He was seen by Dr. Suraj Ranjan Gupta who advised test for xylocaine sensitivity, RBS, blood-pressure, BTCT investigations and further planned NSV (non scalpel vasectomy) procedure under local anaesthesia for Monday i.e. 4th April, 2016. All the investigations were done on 1st April, 2016 itself. Shri Hitesh Kumar then again instead of reporting on 4th April, 2016, visited the said Hospital on 11th April, 2016 wherein a ‘Consent Form’ giving the details of Shri Hitesh Kumar’s children namely Master Lucky aged two years and Baby Chandni aged one year was, filled by him. It is also mentioned in the said ‘Consent Form’ that Shri Hitesh Kumar is twenty five years old, having a wife who was twenty years old namely Smt. Sadhna. It is further mentioned that he was voluntarily giving his consent for the NSV procedure, for which, he has been counselled also. The ‘Consent form’ bears singed of Shri Hitesh Kumar alongwith counsellor Ms. Sonia and Dr. Suraj Ranjan Gupta.

It is also noted that the check list for eligibility for sterilization also mentions the age of Shri Hitesh Kumar as 25 years.

Shri Hitesh Kumar apparently underwent NSV procedure on 11th April, 2016 which was conducted by Dr. Suraj Ranjan Gupta. An amount of Rs.500/- on account of having undergone vasectomy procedure was disbursed to Shri Hitesh Kumar. Further, he was asked to collect balance amount of Rs.810/- subsequently, which Shri Hitesh Kumar failed to do.

In view of the above, it is observed that Shri Hitesh Kumar probably misrepresented his age, his marital status and underwent vasectomy procedure for the reasons best known to him. Further, since Shri Hitesh Kumar had given his age as 25 years, married with two children, who had opted for vasectomy procedure; there was no reason for the doctors to suspect his bonafide, hence, no act of professional misconduct can be attributed on the part of doctors of Pt. Madan Mohan Malviya Hospital.

Sd/: Sd/:

(Dr. Subodh Kumar) (Dr. Ashwini Dalmiya)

Chairman, Delhi Medical Association,

Disciplinary Committee Member,

Disciplinary Committee

Sd/: Sd/:

(Shri Bharat Gupta) (Dr. U.C. Biswal)

Legal Expert Expert Member,

Member, Disciplinary Committee

Disciplinary Committee

The Order of the Disciplinary Committee dated 20th January, 2020 was confirmed by the Delhi Medical Council in its meeting held on 28th February, 2020.

By the Order & in the name

of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:-

1. Smt. Meena Raghav, r/o H.No.1150A, K-2 Block, Sangam Vihar, Pushpa Bhawan S.O., New Delhi-110062.
2. Dr. Suraj Ranjan Gupta, Through Medical Superintendent, Pt. Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi-110017.
3. Medical Superintendent, Pt. Madan Mohan Malviya Hospital, Malviya Nagar, New Delhi-110017.
4. Deputy Commissioner of Police, South Distt., Hauz Khas, New Delhi-110017 (Ref. **Dy. No. 45 B dated 20/4/16, Dy. No. 252 CWC dated 10/5/16 SHO Malviya Nagar**

(Dr. Girish Tyagi)

Secretary