

17-yr-old egg donor dead, HC questions fertility centre's role

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Mumbai : Not much is known about Sushma Pandey's death, except that she was 17 years old, died suddenly and had visited a fertility clinic just two days earlier — at least the third time she was doing so in 18 months.

Now, almost two years after she died, Sushma's case may bring under the spotlight the hushed world in which India's assisted reproductive clinics operate — the brief, vacuous Bollywood shine upon them after Vicky Donor notwithstanding.

Allowing the discharge plea filed by the man blamed by Sushma's mother Pramila for her death, Bombay High Court recently pulled up the police for not probing the role of the hospital in the circumstances that led to her death.

"Curiously, the chargesheet does not show that the investigating machinery had proceeded against Rotunda Hospital, which has a record of the victim being an egg donor on three occasions prior to the unfortunate incident, in flagrant violation of the requirement that such a donor has to be between the ages of 18 years and 35 years, when the victim was only 17 years on the last occasion... and she had been donating eggs for at least one-and-a-half years before this," observed Justice R C Chavan.

The person who is alleged to have taken Sushma to the clinic the last time, Samaullah alias Shanu, is also booked in the case. His discharge plea is pending before a sessions court.

Investigations by officers of the Saki Naka police station revealed that Sushma had been going to 'Rotunda — The Centre for Human Reproduction' in Bandra as an egg or oocyte donor, and had visited the hospital in February 2009, October 2009 and possibly February 2010. Hospital records also indicate that Sushma was admitted there on August 8, 2010, at 8.30 am and discharged the same day at 7.30 pm.

The next day, she complained of abdominal pain. On August 10, 2010, Sushma died.

Senior Police Inspector Samadhan Dhanedhar of the Saki Naka police station said police were waiting for the report of a committee of J J Hospital doctors to decide their next course of action. "We have sought the report to find out whether or not we can proceed against the hospital in a case like this. We are expecting the report soon."

The Rotunda centre confirmed that Sushma had donated eggs thrice. However, Goral Gandhi, Vice-President, Operations, said she had registered with them as Sushma Dubey.

In an email, Gandhi wrote, "As per our SOPs, the PAN card is taken as the proof of age. When she first approached us in February 2009, she showed us a PAN card which reflected her age as 19 years." Gandhi also wrote, "Subsequently we were informed by the police that she had produced a fake PAN card and withheld her correct name and age. We were advised by the police to keep a copy of all egg donors' PAN cards, which we are now following."

In the absence of a legislation to govern fertility clinics, the industry runs on guidelines issued by the Indian Council of Medical Research. According to the latest guidelines, an egg donor has to be between 21 and 35 years old. Gandhi, however, said the guidelines are periodically revised and when Sushma first approached them in 2009, the guidelines permitted women between the ages of 18 and 35 to donate eggs. The gap between donations has to be at least three months, which was followed in Sushma's case. The Assisted Reproductive Technologies (Regulation) Bill, 2010 is yet to

be tabled in Parliament.

Her family, which says it had no idea that Sushma donated eggs, blamed Sunil Chaumal, the owner of the scrap depot where Sushma worked, for her death. On August 11, 2010, her mother Pramila filed a complaint against Chaumal, accusing him of kidnapping and poisoning.

The family said Sushma had not returned home from work on August 7, 2010. "We went to Chaumal to ask where she had gone. He dissuaded us from filing a police complaint and said Sushma would come home," Pramila told The Indian Express.

On August 9, the family says, Chaumal informed them that Sushma had been found but was feeling unwell. She was taken to a private doctor who asked the family to take her to Rajawadi Hospital. Sushma was brought home from the hospital that night. However, the next day too she complained of abdominal pain and was taken to the hospital again. "She was nearly unconscious and kept running her hand on her stomach," Pramila said. She died in hospital the same day.

Post-mortem reports stated that there was one abrasion, four contusions and a blood clot in the head, plus six injection marks. "The probable cause of death, certified by the doctor, was shock possibly due to such multiple injuries," the court said. However, it noted, "The histopathological report showed some congestion in ovaries and uterus."

The police also learnt during the probe that a woman named Noorjahan posed as Sushma's guardian and accompanied her to Rotunda. On August 9, she allegedly took Sushma to Govandi, and from there asked Chaumal to pick her up on August 9, 2010.

In her statement to the police, Noorjahan said that Sushma stayed in the house of one Iqbal Hussain on August 7 and an autorickshaw driver, Rakesh Bhat, dropped her to Bandra (where the clinic is located) the next day. Noorjahan said Samaullah had brought Sushma to the hospital. The role of Hussain, Bhatt and Noorjahan is unclear as the police have not booked any of them.

Sushma's family also denies receiving any money from her egg donations, though police say she was paid Rs 25,000 each time. She had allegedly given the cheque she received in August 2010 to Noorjahan and said she would collect the cash a day later.

"If Sushma had donated ovum thrice, she should have been paid Rs 75,000. But we have not received a paisa of the money she earned," Pramila said. She also denies knowing anyone called Noorjahan.

About egg donation

* It is a process in assisted reproduction in which the donor provides eggs, ova or oocytes for fertilisation in a laboratory. The donor is injected with stimulating hormones.

* Donors are classified 'regular' and 'diva'. Diva donors are usually educated and from privileged backgrounds. They are paid as per their social standing, educational qualifications and physical appearance.

* As per ICMR guidelines, an egg donor has to be between 21 and 35 years. Apart from blood group and physical fitness, their height, weight, educational qualification, profession must be recorded.

* There has to be a gap of three months between donations.