

NO. MCI-211(2)/2011-Ethics/

MEDICAL COUNCIL OF INDIA
SECTOR-VIII, POCKET- 14,
DWARKA, NEW DELHI

Minutes of the meeting of the Ethics Committee held on 27th September, 2011 at 10.00 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

1.	Prof. Sneh Bhargava	Chairman
2.	Dr. Arun Bal	Convenor
3.	Dr. Anil Dhal	Member
4.	Dr. Y.K. Gupta	Member
5.	Dr. Chandrashekhar Shetty.	Member
6.	Prof. Kumudini Sharma	Member
7.	Dr. Raja Babu Panwar	Member
8.	Mr. Amit Bansal	Member
9.	Dr. P. Prasannaraj	Additional Secretary, MCI

01. Minutes of the last meeting of the Ethics Committee- Confirmation of.

The Minutes of the Ethics Committee meeting held on 23rd August, 2011 were confirmed 2009 with necessary correction/addition in the following items as under:-

Item No. 05. Appeal against order dated 19.04.2010 passed by Delhi Medical Council made by Mr. Anil Kumar Mahato.(F.No. 826/2010).

Under Item No. 5, page no. 3 line 6 be read as under:-

““...are specially trained as Squint specialist and retinal surgeon from reputed institutes in the country”

Item No. 08. Is it Ethical- to Propagate use of Ayurvedic Aphrodisers at ANDROCON-2011- Complaint by Dr. G.S. Grewal, Member Punjab Medical Council.

Under Item No. 8, page no. 4 line 15, the sentence “The doctor having MBBS as MD degree”...be read as “The doctor having MBBS and MD degree”...

Item No. 09. Appeal by Mr. Kamal Kant Sharma against order dated 18/08/2008 passed by Rajasthan Medical Council (F. No. 487/2008).

Under Item No. 9, page no. 4, the following be inserted at the end of the decision :-
“as per Supreme Court .SLP Nos. 25043 -25045 of 2008 in the case of Kalabharati Advertising Vs. Hemant Vimalnath Varichana dated 06.09.2010.”

Item No.16. Appeal against order dated 20.06.2011 passed by Rajasthan Medical Council filed by Sh. Praveen Kumar Gupta.(F.No.331/2011)

Under Item No. 16, para 2, 1st line, last two words “the order” should be deleted.

Office Note: The previous minutes had been circulated only to the Chairman and Co-Chairman of Ethics Committee. However, the Committee feels that in future the minutes should be circulated to all the members of Ethics Committee for perusal and approval.

02. Minutes of the last meeting of the Ethics Committee meeting held on 23rd August, 2011 - Action taken there on.

The Ethics Committee noted the action taken on the items of the minutes of meeting of the Ethics Committee held on 23rd August, 2011

03. Appeal against order dated 26.12.2001 passed by Karnataka Medical Council filed by Sh. P.N.Sudhakar Guptha. (F.No.84/2011).

The Ethics Committee considered the matter and decided to obtain copy of the National Commission judgment and Supreme Court judgment for further action in the matter.

04. Appeal against order dated 12.08.2008 passed by Rajasthan Medical Council filed by Sh. Prem Chand Meena. (F.No. 400 /2011).

After considering all the facts of the case and related documents, the Ethics Committee noted that the Rajasthan Medical Council had passed the Order on 12.08.2008. Therefore, the Ethics Committee decided not to admit the said appeal as it was a time barred in terms of Clause 8.8. of the Ethics Regulations namely the "Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002" which is reproduced as under:-

"Any person aggrieved by the decision of the State Medical Council on any complaint against a delinquent physician, shall have the right to file an appeal to the MCI within a period of 60 days from the date of receipt of the order passed by the said Medical Council:

Provided that the MCI may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, allow it to be presented within a further period of 60 days."

05. Appeal against order dated 13.02.2009 passed by A.P Medical Council filed by Sh. Badam Praveen. (F.No.424/2011).

After considering all the facts of the case and related documents, the Ethics Committee noted that the A.P. Medical Council had passed the Order on 13.02.2009. Therefore, the Ethics Committee decided not to admit the said appeal as it was a time barred in terms of Clause 8.8. of the Ethics Regulations namely the "Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002" which is reproduced as under:-

"Any person aggrieved by the decision of the State Medical Council on any complaint against a delinquent physician, shall have the right to file an appeal to the MCI within a period of 60 days from the date of receipt of the order passed by the said Medical Council:

Provided that the MCI may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, allow it to be presented within a further period of 60 days."

06. Appeal against order dated 16.04.2011 passed by Maharashtra Medical Council filed by Sh. Raghavendra Rao. (F.No.303/2011).

The appellant Mr. Raghavendra Rao through Dr. M.C. Gupta, Advocate in his appeal has alleged medical negligence and professional misconduct on the part of Dr. Santosh Karmarkar of Bai Jerbai Wadia Hospital for Children, Parel Mumbai The Committee considered the appeal in its hearing and after due consideration decided to issue notices to the respondents to appear in person or through lawyer before the Ethics Committee at its subsequent meeting.

Ethics section of Medical Council of India along with notice of hearing shall send a copy of the appeal along with complete annexures to the Respondents.

The Respondents are given an opportunity to file reply to appeal along with supporting documents within a period of four weeks from the receipt of the notice. The Respondents shall provide a copy of their respective replies to the Appellant before filing the same in Medical Council of India.

Both the parties are directed to appear either in person or through lawyer.

Notice of hearing to the parties must clearly disclose that if the parties fail to appear, the Ethics Committee may hear the matter in absence of either of the parties or both the parties and decide the same on the basis of available records.

Let a complete set of records of the case be summoned from Maharashtra Medical Council.

07. Appeal against order dated 03.02.2011 passed by Karnataka Medical Council filed by Sh. Ajay Pandey (F.No.151/2011).

The Ethics Committee considered the appeal filed by Mr. Ajay Pandey against the order dated 03/02/2011 passed by Karnataka Medical Council and noted the decision of Karnataka Medical Council.

After considering all the facts of the case, the Ethics Committee decided to concur with the decision of Karnataka Medical Council. Hence the appeal is disposed of.

08. Review/Revision of the IMC (Professional conduct, Etiquette and Ethics Regulations, 2002-reg.

The Ethics Committee deliberated the matter in detail and decided to take legal opinion of the Law Officer.

09. Appeal against order dated 15.02.2011 passed by Delhi Medical Council filed by Dr. Amit Kumar Singh.(F.No.294/2011)

The appellant Dr. Amit Kumar Singh in his appeal has alleged medical negligence and professional misconduct on the part of Dr. Amit Kumar. The Committee considered the appeal in its hearing and after due consideration decided to issue notices to the respondents to appear in person or through lawyer before the Ethics Committee at its subsequent meeting.

Ethics section of Medical Council of India along with notice of hearing shall send a copy of the appeal along with complete annexures to the Respondents.

The Respondents are given an opportunity to file reply to appeal along with supporting documents within a period of four weeks from the receipt of the notice. The Respondents shall provide a copy of their respective replies to the Appellant before filing the same in Medical Council of India.

Both the parties are directed to appear either in person or through lawyer.

Notice of hearing to the parties must clearly disclose that if the parties fail to appear, the Ethics Committee may hear the matter in absence of either of the parties or both the parties and decide the same on the basis of available records.

Let a complete set of records of the case be summoned from Delhi Medical Council before one of the proceeding further. We still do not have all original records.

Based on what is available the opinion was as follows:

- a. There was complete lack of supervision on part of Hospital administration and senior staff.
- b There is no explanation as to why a routine hernia was being operated upon on Sunday.
- c Dr Amit Singh, though a senior resident ,did not exercise adequate care and skill. Even if there was no USG ,Blood Bank the minimum he could have done is to shift the patient to tertiary center.
- d He did not call or inform any senior person when patient's condition was continuously deteriorating.
- e Punishment of 3 months removal of name is the mildest and is not sufficient when one considers the fact that the patient was a healthy 17 years old young boy.
- g If it is legally feasible we should enhance the punishment.

The over all opinion was there was gross dereliction of duty on part of surgery I/C and the concerned doctor should be made party to this appeal and appropriate action should be taken.

10. Appeal against order dated 02.06.2011 passed by Karnataka Medical Council filed by Sh. Pankaj Rai.(F.No.102/2011).

The appellant Sh. Pankaj Rai in his appeal has alleged medical negligence and professional misconduct on the part of doctors of Fortis Hospital.

Opinion of Dr. Vinay Sakhuja is awaited.

11. Appeal against order dated 14.01.2011 passed by Delhi Medical Council filed by Mr. Rajinder Singh Mann. (F.No.168/2011).

The Ethics Committee considered the appeal filed by Mr. Rajinder Singh Mann against the order dated 14.01.2011 passed by Delhi Medical Council and noted that the Delhi Medical Council vide Order dated 14.01.2011 held that no Professional Misconduct was made out against the doctors of Akash Hospital, Delhi in the treatment administered to complainant Sh. Rajinder Singh Mann.

The appellant Mr. Rajinder Singh Mann in his appeal stated that he was not satisfied with the decision of the State Medical Council and there had been gross negligence in his treatment by the doctors of Akash Hospital. The Committee examined the appeal and decided to admit the same and issue notices to the respondent i.e. Dr. Ajit Gaba, Medical Director, Dr. Paritosh Gupta, Sr. Consultant Surgery, Dr. Manoj Goel, Chest Physician and Dr. J. S. Lamba, Consultant Physician of Akash Hospital, New Delhi along with a copy of the appeal, so that they may file a suitable reply to the appeal within a period of 4 weeks from the date of receipt of the notice with an advance copy to the appellant and let this matter be placed before the Ethics Committee at its next meeting.

A request should also be made to the Delhi Medical Council to furnish the complete records/documents of the case.

As per decision of previous meeting of Ethics Committee, the Committee considered the appeal in its hearing and after due consideration noted that all the records have been received from Delhi Medical Council. Dr. Ajit Gaba, Dr. J.S. Lamba, Dr. Manju Goel & Dr. Paritosh Gupta have also sent their replies on 21.06.2011.

The Ethics Committee therefore, decided to take the opinion of one of the members of Ethics Committee in this matter.

12. Appeal against order dated 07.12.2010 passed by Delhi Medical Council made by Sh. Gulshan Jit Singh Ahluwalia (F.No.36/2011).

The Ethics Committee considered the appeal filed by Sh. Gulshan Jit Singh Ahluwalia against the order dated 07.12.2010 passed by Delhi Medical Council and noted as per decision of the previous meeting of the Ethics Committee, the complainant Sh. Gulshan Jit Singh Ahluwalia and the respondent Dr. A. K. Vaidya and Dr. Vineet Talwar alongwith their counsel had appeared before the Ethics Committee.

The Ethics Committee heard the complainant Mr. Gulshan Jit Singh in person and respondent Dr. A. K. Vaidya and Dr. Vineet Talwar alongwith their counsel and also perused the records and the allegations of the appellant that Herceptin was not used while administering treatment to the patient. The medical practitioner has relied upon the letter of Drug Controller General of India dated 07.08.2006 in which the Drug Controller has stated as under:-

“.....Treatment of the patients with HER2 positive early breast cancer following surgery, chemotherapy(neoadjuvant or adjuvant) and radiotherapy (if applicable)....”

Therefore, the Ethics Committee decided that the Medical Council of India should write to Drug Controller General of India regarding the indication of use of this drug HERCEPTIN in the year 2004 and whether the use of the said drug was permissible for such stage- 3 of Breast Cancer.

In response to above, the Drug Controller General (I) Directorate General of Health Services, New Delhi vide his letter dated 09.08.2011 has sent his reply.

After considering the letter of Drugs Controller General of India, the Ethics Committee noted that Drugs Controller General of India has approved the use of Herceptin for treatment of early breast cancer on 07.08.2006 following surgery chemotherapy and RT.

This patient was operated in 2004 when there was no approval given for the use of Herceptin for chemotherapy in early breast cancer, following surgery by Drugs Controller General of India.

In view of above, Ethics Committee concured with the decision of Delhi Medical Council and decided that the complaint stands disposed of.

13. Appeal against order dated 23.09.2010 passed by Delhi Medical Council filed by Sh. Narinder Kumar (F.No.839/2010).

“The Ethics Committee considered the matter with regard to appeal made by Mr. Narinder Kumar against the order dated 28.09.2010 passed by Delhi Medical Council and noted that the Delhi Medical Council vide its order dated 28.09.2010 has recorded as under:-

".... on perusal of the complaint, the DMC observed that the same is in respect of a cataract surgery undergone by the complainant on 07.01.2005 and the present complaint has been filed with DMC on 3.6.2009 that is after almost a period of more than four years, besides that to attribute loss of vision in operated eye due to surgery performed 3 years and eight months before is medically untenable, hence, this complaint does not merit any consideration.”

The Ethics Committee noted that the complaint of the complainant has not been examined by DMC and the same has been rejected only the grounds of delay in filling the

complaint. The Committee is of the opinion, that this cannot be a ground to reject the complaint, as manifestation of complication due to surgery, may arise even afterwards, so this alone cannot be a sufficient reason and the complaint should be examined on merit and it is for Delhi Medical Council to find out as to whether there is a merit in the allegations made by the complainant.

Moreover, no reasons have been given by the DMC to come to the conclusion therefore, the matter be returned back to Delhi Medical Council to examine and give reasons for rejections."

The above decision vide Council's letter dated 30.12.2010 was communicated to the Registrar, Delhi Medical Council with a copy to Mr. Narender Kumar(appellant).

In response to above, the Registrar, Delhi Medical Council has sent a reply vide letter dated 24.01.2011 stating that the Delhi Medical Council observed that the reason for rejection of complaint has been stated in Delhi Medical Council order No. DMC/DC/F.14/Comp. 580/2010/106020 to 106022 dated 28th September, 2010, hence this matter does not require any further consideration.

Now, the Council has received another appeal dated 08.08.2011 from Mr, Narinder Kumar on following stated grounds :-

1. *The doctor Professional Misconduct, Etiquette and Ethics.*
2. *Total Medical negligency and carelessness of the doctor while preparing medico legal/certificate of the patient.*
3. *Aggrieved by the letter/decision of Delhi Medical Council Letter No. DMC/F.3/RTI/2011/29557 dated 20th June, 2011."*

After due consideration, the Ethics Committee decided to request the complainant to send operative records of the patient to enable the Ethics Committee to take further necessary action in the matter.

14. Review of the order dated 10.05.2011 to the extent as mentioned in the present letter and for removal of certain observations relating to the medicines given to deceased patient Rahul Satsangi. (F. No.2/2011)

The Ethics Committee considered the letter dt. 27.05.2011 from Dr. D.K. Satsangi regarding review of the order dated 10.05.2011 and noted the Regulations as well as Legal opinion given by Law Officer of the Council which states as under:-

"Supreme Court has laid down the law that the review is not permissible where there is no provision."

Hence, the Ethics Committee has no powers to review the matter.

15. G.A No. 112/2007, GA No. 3543/2006, GA No. 2523/2009, GA No. 1933/2010, CA No. 519/1970 - Md. Shakil Vakil & anr. Vs. Rehana Begum in the High Court at Calcutta.

The Registrar, High Court at Calcutta vide its letter dated 04.03.2011(copy enclosed) has forwarded an authenticated copy of the order dated 2nd March, 2011 passed by the Hon'ble Justice Sanjib Banerjee wherein His Lordship has been pleased to direct the Medical Council of India to conduct a suitable enquiry upon the subject mentioned in the order dated 02.03.2011 and to furnish a report before the Hon'ble Court within 8 weeks from the date of order.

In the order dated 02.03.2011, the Hon'ble High Court has passed the following directions:-

“The Court : One Dr. Siddique Sheriff, claiming to be an MBBS and having an apparent registration no. 29487, has issued a certificate on February 24, 2011 that Md. Shakil Vakil is under his treatment for diabetes, hypercholesterolemia and peripheral neuropathy. The doctor has claimed that the patient has been under his treatment from October 16, 2010 till the date of issuance of the certificate. The doctor has advised complete rest and required the patient not to travel.

Prima facie, the contents of such certificate appear to be without any basis and it appears that the doctor has lent his name and allowed himself to be used by this plaintiff for the plaintiff to dodge orders of this Court and not present himself before Court.

Let a copy of this order be forwarded to the Chairperson of the Medical Council of India by the Registrar, Original Side, for a suitable enquiry to be conducted and for a report to be filed before this Court eight weeks hence. A copy of the medical certificate will also be forwarded.

It is recorded that the certificate in original was made over by Mr. S.R. Islam, Advocate, claiming to represent the plaintiff. A copy of a pathology report of October 27, 2010 obtained from the Bangalore Diabetes Centre has also been made over. Copies of the pathology report and the medical certificate will be sealed and retained by the Registrar. Original Side for future reference.

Let the matter appear eight weeks hence.”

The matter was considered by the Ethics Committee at its meeting held on 05.04.2011 and it was decided to call Dr. Siddique Sheriff for hearing on 10.05.2011.

As per the above decision, Dr. Siddique Sheriff had been requested to appear before the Ethics Committee on 10.05.2011 at 3.30 p.m vide Council's letter dated 09.04.2011.

The Ethics Committee considered the order passed by Hon'ble High Court of Calcutta and noted that Dr. Siddique Sheriff has sent a letter stating that it would not be possible for him to appear before the Ethics Committee but he was willing to appear before Ethics Committee if the meeting of Ethics Committee was held at Bangalore. He has also send photocopy of certificate and laboratory report.

The Ethics Committee rejected the request of Dr. Siddique Sheriff. He ought to have appeared before the Ethics Committee and placed the material before the Committee. The Ethics Committee feels that such type of patient as described by Dr Siddique Sheriff in his certificate generally does not require bed rest. Therefore the certificate issued by Dr Siddique Sheriff appears to be incorrect from the available record. Ethics Committee is of the opinion that this decision should be communicated to Hon'ble High Court of Calcutta by MCI

As per decision of previous meeting of Ethics Committee, Dr. Siddique Sheriff appeared before the Ethics Committee.

The candidate has also given his statement before the Ethics Committee which is as under:-

*“This is with regard to the certificate issued by me, I want to clarify the facts. I have been treating this patient for diabetes, **hyperthoractomi**. On examining the patient on the day I issued a certificate, the patient was not in a position to walk straight and there was no sensation in both lower limbs. Since he said he was traveling to Calcutta by train. I advised him not to travel. As a general practitioner I don't retain the copy of prescription in the clinic nor did I retain copy of certificate.*

I did not advise the patient bed rest but advised him not to do any stressful physical activity.

My deepest apology for not appearing for the first notice because my mother was diagnosed with stomach problem and I had to attend to her.

The certificate issued to the patient was based on the clinical/physical examination and since he asked me for certificate. I did the same as I felt he was not fit to travel by train.

I have presented my self before the High Court of Calcutta and the Hon'ble Judge was pleased to discharge and dropped all proceedings against me vide order dt. 18.08.2011.

I request all the respected members of Ethics Committee to kindly drop all further proceedings against me as I had issued the certificate with bonafide intention without any Improper motives."

Dr. Siddique Sheriff, is warned by the Ethics Committee to exercise due diligence while examining patients and issuing medical certificate.

16. Appeal against order dated 07.06.2010 passed by Delhi Medical Council made by Mr. S.P.Manchanda. (F.No. 597/2010).

The Ethics Committee considered the appeal filed by Mr. S.P. Manchanda against order dated 07.06.2010 passed by Delhi Medical Council. The Ethics Committee noted the order of High Court which is as under:-

"In as much as that the hearing of the appeal is to take place on 10th May, 2011 and the Petitioners are yet to be heard, this Court is not inclined to pass any order at this stage. It is obvious that no final order will be passed by the MCI without giving each of the Petitioners a full opportunity of being heard and considering all their submissions, including those raised in this petition and on the question of jurisdiction. The MCI will pass the final order without being influenced by any prima facie opinion which may have been formed by those at its meeting held on 8th March, 2011. If aggrieved by the final order passed by the MCI, it will be open to the Petitioners to seek such appropriate remedies as may be available to them in accordance with law."

As per the decision of previous meeting of Ethics Committee, Mr. S.P. Manchanda and Dr. Pooja Bhatia & Dr. Alka Gupta alongwith their Counsel appeared before the Ethics Committee and stated that this is not a proper complaint filed in Medical Council of India.

A letter should be sent to Delhi Medical Council seeking clarification whether there was any complaint lodged by Mr. S.P. Manchanda in this matter and what action has been taken by the Delhi Medical Council in this regard. The Ethics Committee further decided to obtain the copy of all records, order of State Medical Council, proceedings of State Medical Council.

17. Appeal against order dated 04.01.2011 passed by Delhi Medical Council made by Sh. Ramesh Chandra. (F.No. 70/2011).

The Ethics Committee considered the Appeal filed by Sh. Ramesh Chandra against the order dated 04.01.2011 passed by Delhi Medical Council and noted that the Delhi Medical Council vide Order dated 04.01.2011 had held that no medical negligence is made out against the doctors of Sir Ganga Ram Hospital, Delhi in the treatment administered to late Rohit Chandra.

The appellant Mr. Ramesh Chandra in his appeal has alleged medical negligence and professional misconduct on the part of the doctors of Sir Ganga Ram Hospital.

The Committee examined the appeal and decided to issue notices to both parties i.e Mr. Ramesh Chandra and the respondent i.e. Dr. Sunil Jain, Dr. Pooja Khosla and Medical Superintendent of Sir Ganga Ram Hospital to appear in person or through his lawyer before the Ethics Committee

011 Mr. Ramesh Chandra, Dr. R.K. Ganjoo, Director, Sir Ganga Ram Hospital, New Delhi, Dr. Sunil Jain and Dr. Pooja Khosla have been requested to appear before the Ethics Committee on 27.09.2011.

Another letter has also been sent to the Registrar, Delhi Medical Council requesting therein to provide the complete set of records vide Council's letter dated 05.05.2011.

In response to above, the Registrar, Delhi Medical Council has sent a letter dated 16.05.2011 providing the records pertaining to this case.

The Committee asked doctors of Sir Ganga Ram Hospital for an explanation for the delay of 6 hours in arranging the blood for such a serious patient.

In reply to this Medical Superintendent explained that the delay was due to increased workload in the lab. They were also asked whether the hospital LAB had a protocol of giving priority to serious dengue patients and also whether an internal inquiry had been conducted to which they replied in the negative.

After hearing both the parties, the Ethics Committee decided to ask the authorities of Sir Ganga Ram Hospital to hold an internal enquiry in this case and take corrective steps on the deficiencies pointed out and to try to improve the system. The hospital authorities were also asked to submit a report to this office within 30 days documenting the corrective and preventive steps taken by them

18. Appeal against order dated 07.12.2010 passed by Delhi Medical Council made by Sh. Nagendra Pal Singh (F.No.80/2011).

The Ethics Committee considered the appeal filed by Sh. Nagendra Pal Singh against the order dated 07.12.2010 passed by Delhi Medical Council and noted that the Delhi Medical Council vide Order dated 07.12.2010 had held that no case of medical negligence is made out against the doctors of Sant Parmanand Hospital, Delhi in the treatment of late Pratap Singh. Dr. Sanjay Gupta, Dr. Lalit Kumar Mehta and Medical Superintendent of Sant Parmanand Hospital have been arrayed as Respondents in the appeal.

The appellant Mr. Nagendra Pal Singh in his appeal has alleged medical negligence and professional misconduct on the part of the doctors of Sant Parmanand Hospital.

The Committee considered the appeal in its hearing and after due consideration decided to issue notices to the respondents to appear in person or through their lawyer before the Ethics Committee.

As per above decision vide Council's letter dated 13.09.2011 Sh. Nagendra Pal Singh, the Medical Superintendent, Sant Parmanand Hospital, New Delhi, Dr. Sanjay Gupta and Dr. Lalit Kumar Mehta have been requested to appear before the Ethics Committee on 27.9.2011.

Another letter has been sent to the Registrar, Delhi Medical Council requesting therein to send the complete set of records vide Council's letter dated 05.05.2011.

In response to above, the Registrar, Delhi Medical Council has sent a letter dated 16.05.2011 providing the records/ documents pertaining to this case.

After hearing both the parties and perusing all the documents received from Delhi Medical Council, the Ethics Committee is of the unanimous opinion to concur with the decision of Delhi Medical Council. The patient was treated as per standard protocol, therefore, the complaint stands disposed of.

19. Appeal against order dated 20.04.2010 passed by Delhi Medical Council made by Sh. Virendra Kumar Bhardwaj (F.No.114/2011).

The Ethics Committee considered the appeal filed by Sh. Virendra Kumar Bhardwaj against the Order dated 20.04.2010 passed by Delhi Medical Council and the Committee decided to call the appellant Sh. Virendra Kumar Bhardwaj & Dr. Paras Gangwal to appear in person or through lawyer on the next date of hearing of Ethics Committee.

As per above decision, Sh. Virendra Kumar Bhardwaj & Dr. Paras Gangwal have been requested to appear before the Ethics Committee on 27.09.2011.

Both the parties appeared before the Ethics Committee and after hearing both the parties, the Ethics Committee decided to ask Dr. Paras Gangwal to provide all the documentary evidence in support of the medical certificate issued in question within 30 days.

20. Appeal against order dated 06.01.2011 passed by U.P. Medical Council made by Dr. (Prof.) R.M. Banik (F.No.115/2011).

The Ethics Committee considered the appeal filed by Dr. (Prof.) R. M. Banik against the order dated 06.01.2011 passed by U. P. Medical Council which is as under:-

“Dr. V. K. Dixit should have proper communication with his patients. There should be no communication gap and understanding in patient doctors relationship. The Committee wants Dr. V. K. Dixit to behave sympathetically with his patients in future.”

The appellant Dr. R. M. Banki has urged in his appeal that there has been gross negligence in his treatment by Dr. V. K. Dixit.

The Committee considered the appeal in its hearing and after due consideration decided to issue notices to the respondent to appear in person or through his lawyer before the Ethics Committee.

As per above decision vide Council's letter dated 13.09.2011 Prof.(Dr.) Rathindra Mohan Banik and Dr. V.K. Dixit have been requested to appear before the Ethics Committee on 27.09.2011.

Another letter has also been sent to the Registrar, UP Medical Council requesting therein to provide the complete set of records vide Council's letter dated 05.05.2011.

In response to above, the Registrar, U.P. Medical Council has sent a letter dated 31.05.2011 providing the relevant documents.

The Ethics Committee heard both the parties and perused all the documents received from UP Medical Council and of the unanimous opinion to concur with the decision of UP Medical Council. Therefore, the complaint stands disposed of.

21. Complaint against Max Super Speciality Hospitals, New Delhi as alleged by Sh. R.R. Grover. (F.No. 435/2011).

The Ethics Committee considered the complaint in its hearing and after due consideration noted that there is no professional misconduct or negligence on the part of

doctor. The matter pertains to accident benefits covered under life insurance. Therefore the matter does not come under the purview of Ethics Committee.

22. Judgement dated 30.03.2011 passed by the Kerala State Consumer disputes Redressal Commission, Thiruvananthapuram in Appeal No. 301/2010 - Safia Vs. The Manager, B.M. Hospital & Anr.

The Ethics Committee considered the Judgement in its hearing and after due consideration noted that Kerala State Consumer Redressal Commission, Thiruvananthapuram directs the Secretary, Medical Council of India to issue necessary circulars among the members of the Medical profession and hospitals to provide photocopy of all concerned Medical documents to the patients/bystanders every day before 5 P.M. on the request to avoid further fabrications and alterations in the case sheets. Therefore, the matter does not come under the purview of Ethics Committee and Secretary, Medical Council of India maybe requested to take necessary action.

23. Appeal against order dated 05.04.2010 passed by Haryana Medical Council made by Dr. Aswini Kumar Bose.(257/2011)

The appellant Dr. Aswini Kumar Bose in his appeal has alleged medical negligence and professional misconduct on the part of treating doctors.

The Committee considered the appeal in its hearing and after due consideration decided to issue notices to the respondents to appear in person or through lawyer before the Ethics Committee at its subsequent meeting.

Ethics section of Medical Council of India along with notice of hearing shall send a copy of the appeal along with complete annexures to the Respondents.

The Respondents are given an opportunity to file reply to appeal along with supporting documents within a period of four weeks from the receipt of the notice. The Respondents shall provide a copy of their respective replies to the Appellant before filing the same in Medical Council of India.

Both the parties are directed to appear either in person or through lawyer.

Notice of hearing to the parties must clearly disclose that if the parties fail to appear, the Ethics Committee may hear the matter in absence of either of the parties or both the parties and decide the same on the basis of available records.

Let a complete set of records of the case be summoned from Haryana Medical Council.

24. Matter with regard to Dr. M. Saravana Vivek who has allegedly worked at more than one medical college, simultaneously.(464/2011)

The Ethics Committee considered the matter with regard to Dr. M. Saravana Vivek who has allegedly worked at more than one medical college, simultaneously. As per the affidavit filed by Law Officer, Medical Council of India in the High Court of Madras in W.A. No. 1970 & 2172 of 2010 against W.P. No. 15914/2010, the matter has been referred to the Ethics Committee to initiate appropriate action against delinquent doctor.

The Ethics Committee perused the matter and noted that a show-cause notice had been issued to Dr. M. Saravana Vivek vide letter dated 07.07.2010.

Reply to the show-cause notice had been received vide letter dt. 09.07.2010. The Committee after going through all these documents decided to call the concerned parties for hearing at the next meeting.

25. **Matter with regard to Dr. K. Chandra Mohan Prakash who has allegedly worked at more than one medical college, simultaneously.(465/2011)**

The Ethics Committee considered the matter with regard to Dr. K. Chandra Mohan Prakash who has allegedly worked at more than one medical college, simultaneously. As per the affidavit filed by Law Officer, Medical Council of India in the High Court of Madras in W.A. No. 1970 & 2172 of 2010 against W.P. No. 15914/2010, the matter has been referred to the Ethics Committee to initiate appropriate action against delinquent doctor.

The Ethics Committee perused the matter and noted that a show-cause notice had been issued to Dr. K. Chandra Mohan Prakash vide letter dated 07.07.2010.

Reply to the show-cause notice had been received vide letter dt. 08.07.2010. The Committee after going through all these documents decided to call the concerned parties for hearing at the next meeting.

Dr. P. Prasannaraj
Additional Secretary, MCI

APPROVED BY

**(Prof. Sneha Bhargava)
Chairman**

Dr. Arun Bal
Convenor

Dr. Anil Dhal
Member

Dr. Chandrashekhhar Shetty
Member

Dr. Y.K. Gupta
Member

Prof. Kumudini Sharma
Member

Dr. Raja Babu Panwar
Member

Mr. Amit Bansal
Member

**New Delhi,
27th September, 2011**