

**NO. MCI-211(2)/2013-Ethics/**

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

Minutes of the meeting of the Ethics Committee held on 26<sup>th</sup> & 27<sup>th</sup> April, 2013 at 09.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi. The following were present:-

1.	Prof. Sneh Bhargava	Chairperson
2.	Dr. R. B. Panwar	Member
3.	Dr. Vinay Sakhuja	Member
4.	Dr. Y. K. Gupta	Member
5.	Dr. Sanjay Gupte	Member
6.	Dr. B.G. Tilak	Member
7.	Dr. G. K. Sharma	Member
8.	Dr. Sangeeta B. Desai	Member
9.	Dr. Rama V. Baru	Member
10.	Sh. Atul Sood	Member

Dr. P.Prasannaraj  
Sh. V. K. Velukutty

Addl. Secretary, MCI  
Consultant

Leave of absence from Dr. Kumudini Sharma & Sh. Amit Bansal was granted.

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

The Minutes of the Ethics Committee meeting held on 23<sup>rd</sup> March, 2013 were confirmed.

**02. Review of Action taken on Minutes of the Ethics Committee meeting held on 23<sup>rd</sup> Ma, 2013.**

The Ethics Committee reviewed the progress of action taken by the office on various decisions taken by it as per the minutes of its meeting held on 23<sup>rd</sup> March, 2013.

**03. Appeal dated 02.03.2013 filed by Md. Shahjahan Ali Talukdar against Dr. T. Raja, Dr. Gunavathi K.N. and Dr. Sangita – reg.(F.No. 311/2011)**

The Ethics Committee considered the appeal filed by Md. Shahjahan Ali Talukdar, Guwahati, Assam against Dr. T. Raja, DM(Oncology), Dr. Gunavathi K. N. (Jr. Consultant) and Dr. Sangita(Jr. Consultant), Apollo Speciality Hospital, Chennai. He has filed a complaint in Tamilnadu Medical Council against above

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doctors for *importing and using the new/unapproved drug on his son, which is a misconduct under Clause 7.8 of the Chapter – 7 of Code of Medical Ethics-2002* but the Tamilnadu Medical Council did not take any action on the complaint despite MCI reminder. The Tamilnadu Medical Council vide their letter dated 07.06.2011 informed the Appellant that *“they are not empowered to take action against the above doctors based on his allegation and the complaint does not come under the purview of the TN Medical Council.”*

After examining the appeal and the attached documents, the Ethics Committee observed that following points require clarification:-

- 1) The Procedure adopted to import the drug which is not approved by Drug Controller of India..
- 2) The specific indication for the use of this drug in this patient.
- 3) The entire procedure and requisition letters under specific format sent to the Government for regulatory approval by the concerned hospital.
- 4) The informed consent from the patient /guardian for administration of the said unapproved drug.

After detailed deliberation, the Ethics Committee decided to call both the parties i.e. Appellant, Md. Shahjahan Ali Talukdar and Respondents, Dr. T. Raja, DM(Oncology), Dr. Gunavathi K. N. (Jr. Consultant) and Dr. Sangita(Jr. Consultant) of Apollo Specialty Hospital, Chennai through Head/MS of the Hospital, for personal hearing with all the medical records and supportive documents concerning the above points with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

**04. Appeal against the order dated 14.01.2013 passed by West Bengal Medical Council made by Syamal Bose against Dr. P.K. Pujari, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra and Complaint dated 14.02.2013 filed by Syamal Bose against Dr. S.S. Das –req. (F.No. 601/2011).**

The Ethics Committee considered the appeal filed by Sh. Syamal Bose against Order dated 14.01.2012 passed by West Bengal Medical Council and noted that West Bengal Medical Council vide its order dated 14.01.2012 held that ***“After hearing the deposition of complainant and above doctors, the Committee has noted the statement of complainant, Sri S. Bose that he has no complaint about management of patient of the three doctors viz. Dr. P. K. Pujari, Orthopaedic Surgeon, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra. His only complaint is that before operation, if Dr. R. Bhattacharyya informed him about the risk of the patient who was suffering from high Blood Sugar and leucocytosis, he would not choose the patient for operation.*”**

(Dr. R. B. Panwar)

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***He has also complained about Dr. S. S. Das, Critical Care Specialist in this case, that he did not opt for blood culture and sensitivity test to modify or change antibiotics accordingly as is done in a case of leucocytosis with septicemia.***

***In view of all the depositions made before the Penal & Ethical Cases Committee, the Committee is of the opinion that the case may be disposed of against all three doctors who is registered with WBMC after issuing "Warning".***

***Penal & Ethical Cases Committee desires that Registrar, West Bengal Medical Council to follow up the matter with MCI."***

After examining the appeal and its attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Syamal Bose and Respondents doctors Dr. P. K. Pujari, Orthopaedic Surgeon, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra, of Paramount Nursing Home, Kolkata alongwith Dr. Shyam Sundar Das for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

**05. Appeal against order dated 23.11.2012 passed by U.P. Medical Council made by Sh. Shiv Charan against Dr. Neelaksh, Dr. Rakesh Handa & Dr. Satendra Kr. Seth of Ambay Hospital (F. No. 487/2012).**

The Ethics Committee considered the appeal filed by Sh. Shiv Charan against Order dated 23.11.2012 passed by U. P. Medical Council and noted that both the parties i.e. Sh. Shiv Charan, Appellant and Dr. Neelaksh, Dr. Rakesh Handa & Dr. Satendra Kr. Seth of Ambay Hospital Respondents have appeared before the Ethics Committee for personal hearing.

The Ethics Committee heard the deposition of both the parties in detail and after going through all the relevant records & documents, the Committee found that there was no medical negligence on the part of the treating doctors namely Dr. Neelaksh, Dr. Rakesh Handa & Dr. Satendra Kr. Seth because the Appellant himself refused further patient management on the ground that the treating doctors were not giving him 100% guarantee of recovery, which was not possible. Therefore, the Committee decided to uphold the decision of U. P. Medical Council and decided that:-

*"The Ethical Committee observed that delayed Thrombosis can occur in Pelvic Injury, it is known entity and complication of pelvic injury Initial examination shows that limb was warm, after 24 hrs limbs became cold. Doppler done and then patient was rightly referred to higher centre.*

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*The Ethical Committee is of the opinion that Dr. Neelaksh, Dr. Rakesh Handa & Dr. Satendra Kr. Seth could have explained the prognosis of the patient in a more effective way."*

**Accordingly, the appeal is disposed off.**

**06. Appeal dated 15.10.2012 filed by Sh. Vikas Thakran against Order dated 01.08.2012 passed by U.P. Medical Council against Dr. Rakesh Chandra-reg. (F.No. 421/2012).**

The Ethics Committee considered the appeal filed by Sh. Vikas Thakran against Order dated 01.08.2012 passed by U.P. Medical Council and noted that U.P. Medical Council vide its order dated 01.08.2012 held that *"Dr. Rakesh Chandra cannot be held guilty of misconduct, medical negligence or making fraudulent medico legal report as original records appears to be authentic."*

The Ethics Committee further noted that both the parties i.e. Appellant, Sh. Vikas Thakran and Respondent, Dr. Rakesh Chandra have appeared before the Ethics Committee for personal hearing.

After hearing the deposition of both the parties in detail, the Ethics Committee found that Dr. Rakesh Chandra did not follow the standard protocol for handling Medico Legal Case, such as :-

- 1) Standard Format for Medico Legal Case prescribed by the Government has not been used. The Medical Legal Report has been written only on a plain paper.
- 2) There is no Medico Legal Number.
- 3) The Medico Legal Report has not been forwarded to police which is an important step in such cases.
- 4) The Medico Legal Examination was performed on the patient, who is a young lady without the presence of a Female attendant.
- 5) The consent form was not taken from the authorized person i.e. husband of the lady or the concerned lady herself.
- 6) The record maintained in the Casualty is not in the standard Medico Legal Format.

All the above, constitute a major lapse of not following standard procedure on the part of Dr. Rakesh Chandra. However, the basic complaint lodged by the complainant cannot be verified without the presence of the lady concerned i.e. Mrs. Upasana. This should have been looked into by the Directorate of Health Services, UP Govt, also.

In view of above, the Committee decided to call Mr. Vikas Thakran, Appellant and his wife Mrs. Upasana for hearing in the subsequent meeting of the Ethics Committee.

(Dr. R. B. Panwar)

(Dr. Sanjay Gupte)

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(Dr. Vinay Sakhuja)

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**07. Appeal dated 23.07.2012 made by Smt. Sumitra Devi against order dated 12.01.2012 passed by Rajasthan Medical Council (F.No. 309/2012).**

The Ethics Committee considered the appeal filed by Mrs. Sumitra Devi against Order dated 12.01.2012 passed by Rajasthan Medical Council and noted that Rajasthan Medical Council vide its order dated 12.01.2012 held that *"...Rajasthan Medical Council have gone through all the papers in this case, report was already given by a Medical Board. We are of opinion that patient has Leucopenia which is a known side affect of cyclophosphamide. There was no negligence on the part of treating doctor.*

*The Council agree with the opinion of penal and Ethical Committee. As there is no negligence the case is closed."*

The Ethics Committee further noted that both the parties i.e. Appellant, Mrs. Sumitra Devi and Dr. Raj Kumar Jain of J. L. N. Medical College, Ajmer (on behalf of the Respondent, Dr. Ashok Meherda, who was suffering from fever) have appeared before the Ethics Committee for hearing. The Committee received an authorization letter dated 25.04.2013 issued by Dr. P. K. Saraswat, Principal & Controller, J.L.N. Medical College & Associated Group of Hospitals, Ajmer stating therein that Dr. Raj Kumar Kothiwala has been authorized to represent Dr. Ashok Meherda for hearing.

The Ethics Committee heard the deposition of both the parties in detail and though they found no evidence of medical negligence, as such, yet the Committee decided to issue a warning to Dr. Ashok Meherda, Professor & Head, Skin STD & Leprosy; Dr. Raj Kumar Kothiwala, Dr. R. S. Meena, Dr. Pascal Disouza; and Dr. Aashish Dhamija of JLN Medical College, Ajmer, with the following directions that:-

- 1) Informed Consent Form should have been more elaborate and recorded.
- 2) The side effects of the drugs being administered should have been explained to the patient in more detail.
- 3) The repeated blood counts should be checked in two weeks interval rather than one month as is being practiced as per their protocol.

Accordingly, the **appeal is disposed off.**

**08. Appeal dated 24.12.2012 filed Sh. Sudhansu Shekhar Mohanty, Bangalore against Dr. K.G. Kallur, Bangalore-reg.(F.No. 314/2012).**

The Ethics Committee considered the appeal filed by Sh. Sudhansu Shekhar Mohanty against Order dated 19.07.2012 passed by Karnataka Medical Council and noted that Respondent, Dr. K. G. Kallur has appeared before the Ethics Committee for personal hearing but the Appellant, Sh. Sudhansu Shekhar

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Mohanty did not appear before the Committee nor sent any communication regarding his absence.

The Ethics Committee heard the deposition of Respondent, Dr. K. G. Kallur. In his submission, he stated that :-

- 1) The patient is a follow-up case of carcinoid ileocecal region and had come for Gallium Scan for the 3<sup>rd</sup> year in succession. There was no complaint alleged in the previous scans.
- 2) The complainant expected the doctors to be present by his sight during the Scan, which is not tenable because of the radiation hazard associated with the study to the staff carrying out the study.
- 3) Permission to conduct these studies is on record with the hospital and approval of the NABH Accreditation is also on record.

After hearing the Respondent, the Ethics Committee decided to give final opportunity to Sh. Sudhansu Shekhar Mohanty to present himself before the Committee, failing which, the decision will be taken ex-parte as per available records/material.

**09. Appeal dated 27.10.2011 filed by Dr. Vipul Shah against Order dated 14.10.2011 passed by U. P. Medical Council & Appeal dated 18.11.2011 filed by Sh. Sudhir Kumar Shrivastava against the same order dated 14.10.2011 of U.P. Medical Council - reg.(F.No. 272/2011).**

The Ethics Committee considered the appeal filed by Sh. Sudhir Kumar Shrivastav dated 01.11.2012 against Order dated 03.08.2011 passed by UP Medical Council and noted that both the parties i.e. Appellant, Sh. Sudhir Kumar Shrivastav and Respondent, Dr. Vipul Shah have appeared before the Ethics Committee for personal hearing.

The Ethics Committee heard the deposition of both the parties in detail. The Counsel of Dr. Vipul Shah defended that appeal filed by Sh. Sudhir Kumar Shrivastav is not maintainable as per Code of Medical Ethics.

After detailed deliberation, the Ethics Committee decided to seek legal opinion from Retainer Advocate and directed the Council to place the matter after receipt of the legal opinion in the subsequent meeting.

**10. Appeal dated 17.07.2012 filed Mr. Rishi Sabharwal against the letter dated 20.06.2012 of Delhi Medical Council - reg.(F.No. 245/2012).**

The Ethics Committee considered the appeal filed by Mr. Rishi Sabharwal against the letter dated 20.06.2012 issued by Delhi Medical Council and noted that the Council Office called both the parties i.e. Appellant, Sh. Rishi Sabharwal and

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the Respondents, officials of Fortis (list as provided during hearing) i.e. Dr. Pushkar, Dr. Atul Prasad, Dr. Amit Srivastava, Dr. Pinak Shrikhande, Dr. Sanchayan Roy, Dr. Sunita Kaul, Dr. Rajneesh, Dr. Abhijit Singh and Dr. Anupam Basumatary alongwith the doctor – incharge of Mahajan Imaging Center, Hauz Khas, for personal hearing. But, Sh. Neeraj Sharma, Medical Record Officer, Fortis Hospital alongwith Counsel namely Sh. Rohit Puri appeared on behalf of Dr. Amit Shirvastava and Dr. Amrita Gope Roy, before the Ethics Committee.

The Ethics Committee heard the deposition of Counsel and noted the following:-

- 1) Dr. Amit Shirvastava and Dr. Amrita Gope Roy were claimed to be represented through their Counsel Sh. Rohit Puri.
- 2) The Counsel claimed to represent 4 doctors as well as Fortis Hospital but he failed to present any documents to confirm the same.
- 3) The Counsel was not aware whom he was representing and had no background of the case.
- 4) He did not even know the name of the MS of Fortis Hospital whom he later claim he was representing.
- 5) Later, the Counsel verified the name of MS of Fortis Hospital, Dr. Amrita Gope Roy.
- 6) He claimed to represent the Fortis Hospital but not having any supported documents.

The Ethics Committee further noted that none of the above mentioned 9 doctors neither appeared personally nor properly represented by any Lawyer. The Committee decided that in the next meeting of the Committee, all the above doctors should be called for hearing including Medical Superintendent and doctor incharge of Fortis Hospital. If they failed to appear in the next meeting, an ex-parte decision will be taken.

**11. Appeal dated 03.05.2012 filed by Sh. Wamanrao Vinayakrao Deshmukh against order dated 10.03.2012 passed by Maharashtra Medical Council - Reg. (F.No. 36/2012)**

The Ethics Committee considered the appeal filed by Sh. Wamanrao Vinayakrao Deshmukh against order dated 10.03.2012 passed by Maharashtra Medical Council against Dr. Prasanna Sudhakararrao Deshmukh and noted that Maharashtra Medical Council vide order dated 10.03.2012 held that“.. *Considering, no past history of any complaint against the RMP before the Council ,*

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*therefore issue a letter of warning to Dr. Prasanna Deshmukh, RMP under Section 22(1)(a) of Maharashtra Medical Council act 1965 for Violation of Code of Medical Ethics as per Chapter I of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 with direction that henceforth he should strictly follow the professional ethics....”*

After considering all the records and statements, the Ethics Committee observed that as the matter is sub-judice before the Hon'ble Court, the Ethics Committee decided to wait for outcome of the case.

## **12. Clarification as requested by Ms. Bindu M.V (F.No. 216/2008)**

The Ethics Committee considered the matter with regard to Ms. Bindu M. V. and noted that Dr. K.V. Babu appeared before the Ethics Committee of the Council and submitted a copy of show-cause notice and also a copy of reply of show-cause notice.

The Ethics Committee after considering all the records, decided to call Dr. K.V. Babu and Dr. J. Rajagopalan Nair(with documents received) for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

## **13. Appeal dated 28.12.2012 filed by Sh. Sunil Kumar against Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal-Reg (F.No.01/2012)**

The Ethics Committee considered the appeal dated 28.12.2012 filed by Sh. Sunil Kumar against Dr. Ramesh Kumar Kamra and Dr. Urmil Dhatarwal and after considering all the records, the Committee noted that Dr. Ramesh Kumar Kamra has already appeared before the Ethics Committee on 23.03.2013 but Dr. Urmil Dhatarwal did not appear before the Ethics Committee.

Therefore, the Ethics Committee decided to give final opportunity to Dr. Urmil Dhatarwal again for hearing with all the medical records and supportive documents available with them in the subsequent meeting. If, she failed to appear before the Committee in the next meeting, the Committee will take the ex-parte decision.

## **14. Appeal dated 30.01.2013 filed by Sh. Arup Kumar Mukherjee, Kolkata against Dr. V.V. Lakshminarayan, Kolkata-reg.(F.No. 221/2012).**

The Ethics Committee considered the appeal dated 30.01.2013 filed by Sh. Arup Kumar Mukherjee, Kolkata against Dr. V.V. Lakshminarayan, Kolkata and observed that West Bengal Medical Council failed to conclude the matter within the stipulated time period of Six months prescribed by the Medical Council of India. Therefore, the appellant filed the above said appeal.

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The Appellant, Sh. Arup Kumar Mukherjee and Respondent, Dr. V. V. Lakshminarayan, both have appeared before the Ethics Committee for personal hearing.

The Committee heard the deposition of both the parties in detail and after considering all the records, observed that there is no medical negligence on the part of treating doctor namely Dr. V. V. Lakshminarayan in treatment of the patient and, therefore, the Committee decided to dispose off the appeal.

**15. Appeal dated 20.02.2013 filed by Sh. Amir Hussain against Dr. Brijeswar Singh-reg.(F.No.143/2012).**

The Ethics Committee considered the appeal dated 20.02.2013 filed by Sh. Amir Hussain against Dr. Brijeswar Singh and noted that UP Medical Council vide its order dated 07.11.2012 held that *“as far as treatment is concerned Dr. Brijeshwar Singh treated the patient without committing any negligence, even in Malignancy this treatment is indicated. However, Dr. Brijeshwar Singh did not suspect the presence of malignancy therefore he did not taken Bone Biopsy. The report of MRI is also shows Osteomyelitis. AIIMS report also shows query mark against the diagnosis.*

*The Ethical Committee is the opinion that Dr. Brijeshwar Singh cannot be held guilty of medical negligence. Dr. Brijeshwar Singh get strict warning to should be maintain proper case sheet, record keeping and should be comprehensive treat the patients.”*

After considering all the records, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Amir Hussain and Respondent Dr. Brijeswar Singh to appear before the Ethics Committee in the subsequent meeting.

**16. Appeal against order dated 08.10.2012 passed by Delhi Medical Council made by Dr. Amitabh Gupta against Dr. Tarsem Jindal & Dr. Manish Gupta, Jaipur Golden Hospital, New Delhi.(F.No. 475/2012)**

The Ethics Committee considered the appeal filed by Dr. Amitabh Gupta against order dated 08.10.2012 passed by Delhi Medical Council in respect of Dr. Tarsem Jindal & Dr. Manish Gupta and noted that Delhi Medical Council vide its order dated 08.10.2012 held that *“even in spite of autopsy ,the cause of death of the baby remained indeterminate. The terminal events preceding death were sudden’ The care provided by the unit was largely satisfactory but documentation especially of events immediately preceding death could have been better.*

*In view of the observations made hereinabove ,it is the decision of the Disciplinary Committee that no medical negligence can be attributed in the treatment administered to the complainant's baby at Jaipur Golden Hospital'*

The Ethics Committee further noted that both the parties i.e. Appellant, Dr. Amitabh Gupta and Respondent, Dr.Tarsem Jindal and Dr. Manish Gupta appeared before the Ethics Committee for personal hearing.

(Dr. R. B. Panwar)

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The Ethics Committee heard the deposition of both the parties in detail and after considering all the available documents/record, the Ethics Committee found medical negligence on the part of treating doctors and decided to remove the name of Dr. Manish Gupta and Dr. Tarsem Jindal for a period of **ONE MONTH** from the Indian Medical Register/State Medical Register effective from the date of issue of the order of punishment by concerned Council.

**Accordingly, the appeal is disposed off.**

**17. Appeal against order dated 08.10.2012 passed by Delhi Medical Council made by Sh. Satish Chander Pasricha against Dr. Vineeta Goel, Dr. Vidant Kabra & Dr. Pankaj Pandey of Max Super-specialty Hospital, Patpargunj, New Delhi.**

The Ethics Committee considered the appeal filed by Sh. Satish Chander Pasricha against order dated 08.10.2012 passed by Delhi Medical Council and noted that Delhi Medical Council vide its order dated 08.10.2012 held that *"prima facie no medical negligence can be attributed on the part of doctors of Max Super Specialty Hospital, in the treatment administered to the complainant's wife late Sunita Rani at Max Super Specialty Hospital."*

The Ethics Committee further noted that both the parties i.e. Appellant, Sh. Satish Chander Pasricha and Respondents, Dr. Vineeta Goel, Dr. Vidant Kabra & Dr. Pankaj Pandey of Max Super-specialty Hospital, Patpargunj, New Delhi have appeared before the Ethics Committee for personal hearing.

After perusing all the records and depositions of both the parties in detail, the Ethics Committee found no medical negligence on the part of Dr. Vineeta Goel, Dr. Vidant Kabra & Dr. Pankaj Pandey. Therefore, the appeal is **disposed off**.

**18. Appeal dated 07.02.2013 filed by Dr. D. P. Ray against the letter dated 06.12.2012 of Delhi Medical Council-Reg (F.No. 461/2012)**

The Ethics Committee considered the appeal dated 07.02.2013 filed by Dr. D.P. Ray against the letter dated 06.12.2012 of Delhi Medical Council, and noted that Delhi Medical Council vide their letter dated 06.12.2012 informed as under:-

*"...on perusal of the legal notice, the DMC observed that the issue raised in the complaint were primarily administrative in nature, hence, the same be referred to Commissioner, MCD (North) for necessary action."*

The Committee further noted that the matter is already sub-judice in the Court of Law and, therefore, the Ethics Committee decided to wait for the final outcome of the Hon'ble Court.

**Accordingly, the appeal is disposed off.**

(Dr. R. B. Panwar)

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**19. Appeal dated 08.10.2012 filed Sh.Biswajit Hazra against Order dated 30.04.2012 passed by West Bengal Medical Council-Reg (F.No.470/2012)**

The Ethics Committee considered the appeal dated 08.10.2012 filed Sh.Biswajit Hazra against Order dated 30.04.2012 passed by West Bengal Medical Council and noted that West Bengal Medical Council vide its order dated 30.04.2012 held that *“there is no mismanagement on the part of Dr. Sanjay De Bakshi in treating the patient, Monika Hazra, wife of complainant and charges against the doctor could not be substantiated. Hence, they were decided to close the complaint case”*.

After considering all the records, the Ethics Committee found no medical negligence on the part of the treating doctor i.e. Dr. Sajay De Bakshi. Therefore, the Ethics Committee decided to uphold the decision of West Bengal Medical Council.

**Accordingly, the appeal is disposed off.**

**20. Appeal filed by Sh. Jai Kishan against order dated 24.4.2012 passed by Delhi Medical Council in respect of Dr Sudhir Joseph, Dr. Farhat & Dr. Susnaks of Stephen’s Hospital. Delhi.(F.No. 92/2012)**

The Ethics Committee considered the appeal filed by Sh. Jai Kishan against order dated 24.4.2012 passed by Delhi Medical Council in respect of Dr Sudhir Joseph, Dr. Farhat & Dr. Susnaks of Stephen’s Hospital. Delhi and noted that Delhi Medical Council vide its order dated 24.04.2012 held that *“... the patient was induced with thiopentone,propofol, fentanyl and suxamethonium and was maintained with halothane. As per records, the anesthetist noticed jaw stiffness and tachycardia. However, ETCO2 subscript and temperature were not recorded. That means, the patient showed signs of malignant hyperpyrexia at the time of anaesthesia induction. There appears to be a lack of awareness regarding this extremely rare entity and subsequent management. Halothane could have been avoided. The post operative management for the condition was as per the standard protocol. But unfortunately Dantrolene which is the drug of choice and most effective therapy, is not available in India.*

*It is, therefore, the decision of the Disciplinary Committee that no medical negligence can be attributed on the part of doctors of St. Stephen’s Hospital in the treatment administered to the complainant’s son. Late Sandeep Kumar at St. Stephen’s Hospital. The Disciplinary Committee, however, advises Dr. Farhat consultant Anesthesiologist to keep her knowledge updated in the subject of Anesthesiology. Complaint stand disposed.”*

The Ethics Committee further noted that the Appellant, Sh. Jai kishan and Respondent Dr. Susan K.S., ENT Surgeon, Dr. Sudhir Joseph have appeared

(Dr. R. B. Panwar)

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before the Committee for personal hearing and the Committee heard both the doctors and appellant in detail.

It is further noted that letter dated 17.04.2013 & 24.04.2013 sent by Director, St. Stephens's Hospital, whereby he has informed that Dr. Farhat, Sr. Specialist, Anesthetist is not able to attend the Ethics Committee Meeting as she is out of country and requested to grant any hearing after 1<sup>st</sup> May, 2013.

After considering the above letter, the Ethics Committee decided to grant one more opportunity to Dr. Farhat to appear before the Ethics Committee for hearing.

**21. Appeal dated 14.01.2013 filed by Mrs. Shalini Gupta against Dr. Nikhil Raheja. (F.No. 459/2011)**

The Ethics Committee considered the appeal filed by Mrs. Shalini Gupta against Order dated 30.08.2012 passed by Delhi Medical Council against Dr. Nikhil Raheja and noted that in the previous meeting, Ethics Committee directed Dr. Nikhil Raheja to submit the following documents:-

- (i) MBBS qualification record,
- (ii) Postgraduate qualification record in Psychiatry,
- (iii) Permanent Registration with additional qualification certificate issued by concerned Medical Council,
- (iv) certificate of training in Cognitive Behavior Therapy, and
- (v) the treatment records of Mrs. Shalini Gupta.

But, Dr. Nikhil Raheja failed to submit the above documents. The Ethics Committee decided that a reminder be sent to Dr. Nikhil Raheja with the direction to submit the above documents urgently. If, he failed to submit the above documents, an ex-parte decision will be taken in the next meeting of the Committee.

The Ethics Committee further noted that Mrs. Shalini Gupta was asked to submit a copy of the alleged fake certificate in the appeal which has not been provided. The Ethics Committee directed the Council to obtain the same from the Appellant, Mrs. Shalini Gupta.

A request received from Mrs. Shalini Gupta for another hearing was considered and it was decided, at this stage, no further hearing can be granted as already one hearing was granted to the Appellant. If, she desires, she may submit her written statement.

**22. Appeal against order dated 21.12..2010 passed by Tamilnadu Medical Council made by Mr. R. Rajendran (F.No.141/2011).**

The Ethics Committee considered the appeal filed by Mr. R. Rajendran against Order dated 21.12.2010 passed by Tamilnadu Medical Council and noted

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(Dr. Sangeeta B. Desai)

(Dr. Vinay Sakhuja)

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that Mr. R. Rajendran has already appeared and submitted his statement before the Committee.

After detailed deliberation, the Committee decided to obtain all the clinical trial related documents which consist of protocol. It was also decided by the Committee to call the Dr. Kim Ramaswamy (Investigator), Dr. Somnath Chakrabarti (Co-Investigator), Dr. S. R. Ratinam (Member Secretary and Chairman) and Dr. P. Namperumal Swami of Aravind Eye Hospital alongwith all the clinical trial documents in the subsequent meeting.

**23. Violation of “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002”-Reg. (Sh. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha) (F.No. 615/2011).**

The Ethics Committee considered the complaint regarding Violation of “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002”, in the case of Indore Clinical Trials conducted by doctors in violation of medical ethical standards, received from Swasthya Dhikar Manch, Indore (MP) and Smt. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha and noted that the Ethics Committee at its meeting 20.11.2012 directed the Council Office to obtain the written submission/informations as per proforma suggested by the Chairman, Ethics Committee alongwith personal hearing.

As per above directions, all the doctors sent their written submissions except one Dr. Raghulam Razdan.

After detailed deliberation, the Ethics Committee proposed the following steps:-

1. A reminder letter be sent to Dr. Raghulam Razdan for his written submission within 10 days time, failing which ex-parte decision will be taken.
2. After perusal of the reply of DCGI, it was noted that the inspection team of DCGI observed several discrepancies for which the Show-Cause Notice was issued by them and their replies received under examination by the DCGI as per letter received by the Council dated 18.12.2012.
3. Further, the Council has informed the DCGI vide reminder dated 18.01.2012 and 06.02.2012 to provide the Council their Final Report which is still awaited.

It was discussed that primarily there can be two type of discrepancies:-

- (a) GCP procedural aspect
- (b) Specifically those issues which have direct relevance to Ethics of Medical Practice.

Since, the DCGI Inspection Team has already done the site inspection, it was decided that the replies received from all the Investigators be sent to the DCGI Office specifically, asking them to comment on following two clauses:-

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(Dr. B.G. Tilak)

(Dr. Atul Sood)

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- (a) Validation to the replies received viz. DCGI observations during on site inspection.
- (b) Specifically point out ethical issues, which have been violated in terms of DCGI guidelines for conducting clinical trials.

**24. Matter of Dr. Nirmal Kumar Ganguly, Ex- Director General, ICMR, Dr. Sujit Kumar Bhattacharya, Ex – Additional Director General, ICMR, & Dr. Bela Shah, Scientist ‘G’ & Head of NCD, ICMR, against whom FIR/Charge sheets have been filed by police authorities/CBI**

The Ethics Committee considered the matter with regard to Dr. Nirmal Kumar Ganguly, Ex- Director General, ICMR, Dr. Sujit Kumar Bhattacharya, Ex – Additional Director General, ICMR, & Dr. Bela Shah, Scientist ‘G’ & Head of NCD, ICMR, against whom FIR/Charge sheets have been filed by police authorities/CBI.

The Ethics Committee also perused the letter of hon’ble Member of Parliament, Sh. Dhananjay Singh and also the annexed documents which essentially consist of the CBI chargesheet filed before the Hon’ble Court of Special Judge, Ghaziabad. It was noted from the contents that the charges are administrative in nature and not of medical negligence and the matter is sub-judice in the Court of Law.

**25. Appeal against order dated 18.11.2011 passed by Uttar Pradesh Medical Council filed by Sh. Ghulam Abbas against Dr. Aroti Ghosh.(F.No. 431/2011)**

The Ethics Committee considered the appeal filed by Sh. Ghulam Abbas against Order dated 18.11.2011 passed by U.P. Medical Council and noted that U. P. Medical Council vide its order dated 18.11.2012 held that *“the Ethical Committee is of the opinion that Dr. Aroti Ghosh cannot be held guilty of misconduct and medical negligence.”*

The Ethics Committee further noted that the patient Smt. Butul Azra had pregnancy Induced Hypertension (PIH) & Colilithiasis for which she was treated by Dr. Aroti Ghosh. She had IUD at 34 weeks for which she was admitted and labour was induced apparently with I/M (Intra Muscular) Oxytocin injection. Later on it was followed by I/V (Inter Venous) Pitocin drip. During this time the monitoring was inadequate & as per the admission notes of Nazareth Hospital, patient had gone into septicemic shock even before the patient was shifted to the Nazareth Hospital.

It appears from the available papers that the treatment and monitoring of the patient was below the required standards and was also not timely referred to the Nazareth Hospital. Besides it is to be noted that Dr. Aroti Ghosh has not appeared before the ethics committee on number of occasions & has failed to defend her actions.

After detailed deliberation, the Ethics Committee was of the view that treatment provided by both the doctor constituted professional misconduct and

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medical negligence and, therefore, the Ethics Committee decided to remove the name of Dr. Aroti Ghosh for a period of **SIX MONTHS** from the Indian Medical Register/State Medical Register from the date of issue of the order of punishment by concerned Council.

**Accordingly, the appeal is disposed off.**

**26. Representation received from Shri Dhruba Bora, Gauhati- Unethical practice of a physician (Dr. Dhani Ram Baruah)-reg.(F.No. 701/2011).**

The Ethics Committee considered the representation received from Sh. Dhruba Bora against unethical practice of a Physician Dr. Dhani Ram Baruah. After detailed deliberation, the Ethics Committee decided to take up the matter and directed both the parties to be present with all the supportive documents in the next meeting scheduled to be held on 24<sup>th</sup> May, 2013.

Dr. Dhani Ram Baruah was also directed to come alongwith all his supportive qualification, experience and registration certificates.

**27. Appeal dated 12.03.2013 (received in the Council on 19.03.2013) filed by Sh. B. P. Suresh Kumar,Bangalore against Order dated 17.01.2013 passed by Karnataka Medical Council - reg.**

The Ethics Committee considered the appeal filed by Sh. B. P. Suresh Kumar against Order dated 17.01.2013 passed by Karnataka Medical Council and noted that Karnataka Medical Council vide its order dated 17.01.2013 held that *"Karnataka Medical Council unanimously decided to exonerate Dr. Sanjay Pai, Consultant Orthopaedic Surgeon, Dr. Rajani Bhat, Consultant Pulmonologist, Dr. Ravindran, Assistant Surgeon, Dr. Deepak, Anaesthetist and Administrator of Fortis Hospital, Bangalore. Dr. Jeevan Pereira has been punished by removing his name from KMC Register for a period of six months w.e.f. 17<sup>th</sup> January-2013 under the provisions of Karnataka Medical Registration Act No. 34 of 1961"*

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. B. P. Suresh Kumar, and Respondents, Dr. Sanjay Pai, Consultant Orthopaedic Surgeon, Dr. Rajani Bhat, Consultant Pulmonologist, Dr. Ravindran, Assistant Surgeon, Dr. Deepak, Anaesthetist and Administrator of Fortis Hospital, Bangalore for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

(Dr. R. B. Panwar)

(Dr. Sanjay Gupte)

(Dr. B.G. Tilak)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

(Dr. G. K. Sharma)

(Dr. Sangeeta B. Desai)

(Dr. Vinay Sakhuja)

(Dr. Y. K. Gupta)

**(Prof. Sneh Bhargava) – Chairperson)**

**28. Appeal dated 09.04.2013 filed by Sh. Suman Chadha against Dr. A. S. Soin and other team of doctors of Medanta Medcity Hospital, Gurgaon, Haryana - reg.**

The Ethics Committee considered the appeal dated 09.04.2013 filed by Sh. Suman Chadha against Dr. A. S. Soin and other team of doctors of Medanta, the Medcity, Gurgaon, Haryana and noted that Haryana Medical Council failed to conclude the matter within the stipulated time period.

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Suman Chadha and Respondent, Dr. A. S. Soin and other team involving in the treatment of the patient alongwith Head/MS of the Hospital for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

**29. Appeal dated 23.05.2012 (received in the Council on 07.06.2012) filed by Mrs. Reeta Gupta, Distt. Kasganj, U.P. against order dated 14.12.2011 passed by U.P. Medical Council-Reg.**

The Ethics Committee considered the appeal filed by Mrs. Reeta Gupta against Order dated 14.12.2011 passed by U. P. Medical Council and noted that UP Medical Council vide its order dated 14.12.2011 held that *"Dr. P. Kumar performed surgery on patient. Fifth day post operative condition of the patient was stable indicating that the patient was being well managed by Dr. P. Kumar. Hence, Dr. P. Kumar cannot held guilty of medical negligence and inadequate treatment."*

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Mrs. Reeta Gupta and Respondent, Dr. P. Kumar for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

**30. Violation of MCI's code of ethics by the Indian Academy of Pediatrics (IAP)-Reg.**

The Ethics Committee considered the matter with regard to violation of MCI's Code of Ethics by the Indian Academy of Paediatrics and noted that this item needs detailed study of all records and accordingly, it was decided to be sent to one of the Ethics Committee Members viz. Dr. Rama V. Baru, for its presentation in the next meeting.

(Dr. R. B. Panwar)

(Dr. Sanjay Gupte)

(Dr. B.G. Tilak)

(Dr. Atul Sood)

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(Dr. Sangeeta B. Desai)

(Dr. Vinay Sakhuja)

(Dr. Y. K. Gupta)

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**31. Complaint dated 28.01.2013 made by Sh. Vimal Mehta against Dr. Raj Kumar Batra.**

The Ethics Committee considered the complaint filed by Sh. Vimal Mehta against Dr. Raj Kumar Batra and after examining the complaint and the attached documents, the Ethics Committee decided to call both the parties i.e. Complainant, Sh. Vimal Mehta and Respondent, Dr. Raj Kumar Batra for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting.

Notices be sent to both the parties along with a copy of the complaint to the respondent, so that the concerned party may file a suitable reply to the complaint with an advance copy to the appellant before the subsequent meeting.

**32. W.P. (C) No. 3425/2008 titled as Ram Kumar Gupta Vs. Dr. S.S. Saha & Ors., before Hon'ble Delhi High Court (File No. 246/2007).**

The Ethics Committee considered the W.P. (C) No. 3425/2008 titled as Ram Kumar Gupta Vs. Dr. S.S. Saha & Ors., before Hon'ble Delhi High Court and noted that this item needs detailed study of all records and accordingly, it was decided to be sent to one of the Ethics Committee Members viz. Dr. G. K. Sharma, for its presentation in the next meeting.

**33. RC 34(A)/2010 of CBI, ACB, Chennai – MCI case – Charge sheet (against Shri M.K. Rajagopalan, Chairman, Sri Balaji Educational & Charitable Public Trust, Chennai and Dr. D.R. Gunasekaran, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry.**

The Ethics Committee considered the RC 34(A)/2010 of CBI, ACB, Chennai – MCI case – Charge sheet (against Shri M.K. Rajagopalan, Chairman, Sri Balaji Educational & Charitable Public Trust, Chennai and Dr. D.R. Gunasekaran, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry and noted that the Board of Governors at its meeting held on 22.04.2013 and decided to take action as had been taken on similar cases by MCI in the past.

The Ethics Committee noted that this item needs detailed study of all records and accordingly, it was decided to be sent to one of the Ethics Committee Members viz. Dr. Sneh Bhargava, for its presentation in the next meeting.

**34. 1. Complaint against Dr. O.P. Murthy for plagiarism of Scientific papers and other Fraud and Cheating at A.I.I.M.S.**

**2. Complaint against Criminal nexus of Dr. O. P. Murthy additional professor forensic medicine AIIMS and Dr. Ketan Desai former MCI President and others for monetary gain, extortion of money by blackmail, forgery and funding the inspection report for the various medical colleges by impersonation and other criminal activities with**

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**(Prof. Sneh Bhargava) – Chairperson)**

**regard to grant of permission/recognition of various medical colleges in the country.**

The Ethics Committee considered the matter with regard to Complaint against Criminal nexus of Dr. O. P. Murthy additional professor forensic medicine AIIMS and Dr. Ketan Desai former MCI President and others for monetary gain, extortion of money by blackmail, forgery and fudging the inspection report for the various medical colleges by impersonation and other criminal activities with regard to grant of permission/recognition of various medical colleges in the country

The Ethics Committee noted that this item needs detailed study of all records and accordingly, it was decided to be sent to one of the Ethics Committee for its presentation in the next meeting.

**Other item placed with the permission of Chair**

- 35. Appeals by Sh. Ramesh Kumar Khatri Numbardar against(1) Order dated 30.12.2011 passed by Delhi Medical Council (DMC) (2) Order passed by Haryana State Medical and Dental Council (HSMDC) dated 12.10.2011 and against (3) DMC for referring the complaint to HSMDC and no action by both Councils.**

With permission of Chair, the Ethics Committee took up the matter regarding Appeals by Sh. Ramesh Kumar Khatri Numbardar against(1) Order dated 30.12.2011 passed by Delhi Medical Council (DMC) (2) Order passed by Haryana State Medical and Dental Council (HSMDC) dated 12.10.2011 and against (3) DMC for referring the complaint to HSMDC and no action by both Councils

It was noted that the Ethics Committee already decided the above matter in the previous meeting of the Committee dated 22.01.2013.

In the Present meeting, the Ethics Committee unanimously felt that their earlier decision in the matter was taken on the basis of evidence available on the records. Some doctors claimed that their photograph was advertised without their consent and knowledge and, therefore, the Ethics Committee decided to give all them a hearing.

**The Meeting ended with a Vote of Thanks to the Chair.**

**New Delhi, 26<sup>th</sup> & 27<sup>rd</sup> April, 2013.**

(Dr. R. B. Panwar)

(Dr. Sanjay Gupte)

(Dr. B.G. Tilak)

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(Dr. Rama V. Baru)

(Dr. G. K. Sharma)

(Dr. Sangeeta B. Desai)

(Dr. Vinay Sakhuja)

(Dr. Y. K. Gupta)

**(Prof. Sneh Bhargava) – Chairperson)**