

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

Minutes of the meeting of the Ethics Committee held on 1st November, 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. Dipankar Gupta	Member
5.	Dr. Vinay Sakhuja	Member
6.	Prof. Kumudini Sharma	Member
7.	Dr. Sanjay Gupte	Member
8.	Dr. Raja Babu Panwar	Member
9.	Dr. Davinder Kumar	Joint Secretary, MCI

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

The Minutes of the Ethics Committee meeting held on 27th September, 2011 were confirmed.

Office Note:

A time schedule may be framed for preparation of minutes -

The minutes be circulated to all the members of Ethics Committee preferably within three days and members will sent feedback/comments on the minutes after making relevant changes/ correction within one week and minutes may finally be drafted within fortnight, and be placed before next meeting for confirmation

02. Minutes of the last meeting of the Ethics Committee meeting held on 23.08.2011 - 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 23.08.2011, and advised to make the ATR more elaborative including the details of complaint & decision taken by the Ethics Committee and send the same, alongwith the draft minutes of today's meeting, within 3 days for approval.

03. Appeal against order dated 21.07.2011 passed by U.P. Medical Council made by Mrs. Chanchal Chaurasia. (F.No.439/2011).

The Ethics Committee considered the appeal of Mrs. Chanchal Chaurasia against the order of U.P. Medical Council dated 21.07.2011 wherein the appellant Mrs. Chanchal Chaurasia has alleged medical negligence and professional misconduct on the part of Dr. Rohit Gupta. The Committee considered the appeal and decided to obtain the original complaint, copy of all records (treatment documents/patients file), proceedings of U.P. Medical Council and detailed order of U.P. Medical Council from complainant and the U.P. Medical Council.

Office Note:- For consideration of Appeal, check for original complaint, copy of all records (treatment documents/patients file), order of State Medical Council, proceedings of State Medical Council.

04. Appeal against order dated 28.09.2010 passed by Delhi Medical Council made by Mr. Narinder Kumar (F.No. 839/2010).

The Ethics Committee has already considered the appeal of Mr. Narinder Kumar against order dated 28.09.2010 passed by Delhi Medical Council in its earlier meeting dated 27.09.2011.

05. Appeal against order dated 27.07.2011 passed by Delhi Medical Council made by Dr. Bhupendera Nath Singh (F.No. 407/2011).

The Ethics Committee considered the appeal of Dr. Bhupendera Nath Singh against the order of Delhi Medical Council dated 27.07.2011. The Committee after due consideration decided to issue notices to the respondents i.e. Dr. Bhupendera Nath Singh, Dr. Vishal Sharma (CMO) & Medical Superintendent of the hospital to appear in person or through lawyer before the Ethics Committee at its subsequent meeting also 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 Respondent shall provide a copy of their respective replies to the Appellant before filing the same in Medical Council of India.

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. 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 within 15 days and the letters for hearing be sent after receipt of the records from the State Medical Council.

In case of non receipt of records a reminder is to be sent to State Medical Council stating that in case of further non receipt of documents would be taken by the Ethics Committee ex-parte.

06. Petition for transfer of ENQ 17/2010 before Karnataka Medical Council to Medical Council of India to uphold regulation 8.4 of the IMC Act, 1956, in the interest of justice and equity. (F.No. 16/2011 Parikshit Dalal).

The Ethics Committee considered the matter with regard to Petition for transfer of ENQ 17/2010 before Karnataka Medical Council to Medical Council of India to uphold regulation 8.4 of the IMC Act, 1956, in the interest of justice and equity.

The Ethics Committee noted that the council has received a complaint against Dr. Anil Kumar Sakalecha, Santosh Hospital, Bangalore from Mr. Parikshit Dalal, Bangalore vide letter dated 03.01.2011.

The matter was referred to the Karnataka Medical Council vide this office letter dated 14.01.2011 as the Doctors registered in Karnataka State.

It may further be stated the council has received a letter dated 21.04.2011 from Mr. Parikshit Dalal has requested to this council to take necessary action direction to KMC to comply with the mandates contained in Regulation 8.4 of the IMC Act.

In reference to above, a letter dated 12.05.2011 was sent to the Registrar, Karnataka Medical Council, Bangalore requesting wherein to investigate the matter under intimation to this council within a period of six months.

In reference to above the Registrar, Karnataka Medical Council vide letter dated 29.08.2011 has informed that the matter *is in progress*.

Since the matter was under progress with Karnataka Medical Council a reminder was also sent to Karnataka Medical Council, Bangalore and copy to Mr. Parikshit Dalal on 03.10.2011.

In reference to above, the Registrar, Karnataka Medical Council vide letter dated 14.10.2011 submit the present status of the matter and further informed that Karnataka Medical Council is waiting for formation of a new Committee after the election of the members.

The Ethics Committee therefore, decided to write to Karnataka Medical Council that the Ethics Committee of Medical Council of India has taken a serious view of the fact that the matter is pending with the Karnataka Medical Council for a long time and inspite of repeated communications from Medical Council of India the matter has still not been decided so Karnataka Medical Council is again requested to decide the matter expeditiously within 3 weeks failing which MCI will have to take over the matter under rule 8.4 of Code of Ethics.

07. Complaint against Dr. R. P. Singh, Eye Surgeon as alleged by Mr. P.C.Jain - F.No. 78(2010).

The Ethics Committee considered the matter and noted that Committee at its meeting held on 02-03.03.2011 considered the matter with regard to complaint against Dr. R. P. Singh, Eye Surgeon as alleged by Mr. P. C. Jain and decided as under:

"The Ethics Committee considered the matter with regard to complaint against Dr. R. P. Singh, Eye Surgeon as alleged by Mr. P. C. Jain and noted that this case should be referred to Haryana Medical Council as per regulations and keep MCI informed about the final decision taken by Haryana Medical Council.

The above decision was communicated to Registrar, Haryana Medical Council and copy to Mr. P.C. Jain vide this office letter dated 13.03.2010.

Three reminders were sent to Haryana Medical Council on 03.01.2011, 15.04.2011 and 07.07.2011.

In reference to above the Registrar, Haryana Medical Council, Chandigarh vide his letter dated 02.09.2011 has stated that the civil surgeon, Faridabad was requested vide letter dated 22.04.2011 to conduct enquiry and submit the report. The civil surgeon, Faridabad has intimated vide letter dated 09.06.2011 that Sh. P.C. Jain has filed a case in NCDRC, New Delhi which is under consideration and as the matter is subjudice, hence it is impossible to give comments at this stage.

Now Sh. P.C. Jain vide his email dated 15.09.2011 stated as under:

"I am a senior citizen, aged 72, and had filed a complaint with the MCI in January 2010 against Dr R P Singh of Visitech Eye Hospital, Faridabad. Since then, despite a lapse of 20 months and several reminders notwithstanding, no action has been taken against the errant doctor. All due procedures of the MCI, such as filing a complaint with the Haryana Medical Council, has been followed by me but to no avail.

I would like to quote to you para 8.7 of the Code of Ethics, MCI Act 2002, which clearly says, "Where either on a request or otherwise the Medical Council of India is informed that any complaint against a delinquent physician has not been decided by a State Medical Council within a period of six months from the date of receipt of complaint by it and further the MCI has reason to believe that there is no justified reason for not deciding the complaint within the said prescribed period, the Medical Council of India may- (i) Impress upon the concerned State Medical council to conclude and decide the complaint within a time bound schedule; (ii) May decide to withdraw the said complaint pending

with the concerned State Medical Council straightaway or after the expiry of the period which had been stipulated by the MCI in accordance with para(i) above, to itself and refer the same to the Ethical Committee of the Council for its expeditious disposal in a period of not more than six months from the receipt of the complaint in the office of the Medical Council of India."

In the given circumstances, I will be grateful if the law could be followed in letter and spirit. My case may please be transferred to the MCI from Haryana Medical Council which shows no interest in taking action against the delinquent doctor. I would also request the MCI to take action on my complaint and dispose it at the earliest so that justice can be done."

Therefore, the Ethics Committee decided that the Haryana Medical council can still take up the case and intimate the decision within 15 days, otherwise, Medical Council of India would be compelled to take up the matter as per provision of Section 8.7 of the Ethics Regulations namely the "Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002".

08. Complaint against Dr. D.V. Paul as alleged by Mr. Mahendra Sahu.

The Ethics Committee considered the complaint against Dr. D.V. Paul as alleged by Mr. Mahendra Sahu and noted that complaint was referred to Punjab Medical Council vide this office letter dated 29.04.2009 as the doctor is registered in Punjab State.

In reference to above the Registrar, Punjab Medical Council vide letter dated 17.10.2009 requested to Dr. D.V. Paul to furnish his comments within 15 days from the issuance of the letter.

Three reminders were also sent on 09.03.2011, 05.07.2011 & 19.09.2011. However till date no reply has been received.

Now Sh. Anoop Nair, Council Advocate vide letter dated 19.09.2011 has stated that, if the Punjab Medical Council is not taking any action against the erring doctor, the Hon'ble Court has asked why the Medical Council of India are not taking any action against the erring doctor as per the Regulations of the Council.

The Ethics Committee noted that if Dr. D.V. Paul is not responding to the letters of Punjab Medical Council then the Punjab Medical Council may take an ex-parte decision in this matter and inform the decision taken to Medical Council of India within four weeks.

09. Appeal against the activities and order dated 26.10.2007 passed by Rajasthan Medical Council made by Sh. Ajeet Singh Singhvi, IAS (Retd.)- Review of recommendations of Ethics Committee of Medical Council of India.(F.No. 277/2007).

The Ethics Committee considered the Appeal against the activities and order dated 26.10.2007 passed by Rajasthan Medical Council made by Sh. Ajeet Singh Singhvi, IAS (Retd.)- Review of recommendations of Ethics Committee of Medical Council of India and noted that Mr. Ajeet Singh Singhvi made two appeals dated 12.07.2007 and 13.09.2007 against the activities and order dated 26.10.2007 passed by Rajasthan Medical Council.

It may further be stated the Mr. Ajeet Singh Singhvi had made a complaint dated 17.05.2007 with Rajasthan Medical Council with regard to gross negligence on the part of doctors of S.M.S. Medical College and Hospital resulting in the death of Smt. Jatan Kanwar Singhvi on 28.04.2000.

Mr. A.S. Singhvi has alleged that the Principal, SMS Medical College instituted a preliminary enquiry in this matter but the said Committee who was conducting the said enquiry was, worse than an eye-wash. They have maliciously and deceitfully ignored all the

allegations of vital importance and have ignored the medical authorities of international stature and, while this is an admitted case of traumatic perforation of colon with entrocuteaneous faecal fistula, the said Committee has submitted their comments as if it was a case of spontaneous perforation of colon. The petitioner has already and repeatedly offered his detailed comments to the RMC, exposing the false and frivolous nature of report of the said Committee. It was very well in the knowledge of the RMC that the said Committee has presented a totally bogus report and alleged that it was their grave misconduct but, still, the RMC has not initiated any action against the said Committee for giving such a false report in such a serious case which, in legal terms, is culpable homicide, known as man-slaughter in common law and continental countries. Further, the complaint has stated that manifestly, the RMC stands, all in all for the delinquents and they may not do justice in this enquiry also.

It may further be stated that the Rajasthan Medical Council examined the complaint made by Mr. A.S. Singhvi and gave the following orders, which is reproduced below: -

"The Council discussed and examined the complaint and the related material with the complaint made by Sh. Ajeet Singh Singhvi against Dr. T.C. Sadusukhi, Dr. Dinesh Jindal, Dr. D.S. Mathur and after due examination has resolved to drop the complaint as no prima-facie case of professional misconduct has been found against Dr. T.C. Sadusukhi, Dr. Dinesh Jinda & Dr. D.S. Mathur".

The matter was considered by the Ethics Committee at its various meeting held on 17.12.2007, 21st & 22nd January 2008, 28th & 29th February, 2008, 07th & 08th July, 2008, 8th & 9th July, 2009 & 8th & 9th October, 2009.

The matter was considered by the Ethics Committee at its meeting held on 15th September, 2010 and the decision was as under :-

"The Medical Council of India had received an appeal dated 12.07.2007 and 13.09.2007 made by Sh. Ajeet Singh Singhvi against the order dated 26.10.2007 passed by Rajasthan Medical Council. Mrs. Jatan Kanwar, aged 85 years had Hypertension, C.R.F. and Lump Abdomen(Perinephric hydrated cyst). During her course of illness she was attended by Dr. T. C. Sadasukhi, Prof. of Urology, Dr. S. K. Pareek, Prof. of Nephrology, Dr. D. S. Mathur, Prof. of Medicine and Dr. D. K. Jindal, Associate Professor of Surgery.

(i) Draining of a perinephric hydatid Cyst, located in between the colon and the right kidney was done causing traumatic perforation of colon with entrocuteaneous faecal fistula, peritonitis and septicemia.

(ii) Also Suppression of the original death certificate was suppressed and forged death certificate, altering the cause of death had been prepared.

CONSIDERATION BY ETHICS COMMITTEE

The Ethics Committee considered/perused the matter with regard to appeal made by Sh. Ajeet Singh Singhvi, IAS (Retd.) against order dated 26.10.2007 passed by Rajasthan Medical Council.

The Ethics Committee minutely went through the statement of the complainant i.e. Mr. Ajeet Singh Singhvi and the statement of the doctors recorded by the earlier Ethics Committee of the Medical Council of India and noted that the earlier Ethics Committee had directed the SMS Medical College, Jaipur to conduct an enquiry into the matter of appeal but the appellant had raised objections in respect of the enquiry conducted by the hospital.

The objection of the appellant is that the Committee constituted by Principal, SMS Medical College, Jaipur is biased.

The Ethics Committee also noted that directions had been sought by the Principal and Controller, SMS Medical College, Jaipur vide his letter dated 02.06.2010 from MCI in respect of the objections raised by the appellant. After carefully examining the case, the Ethics Committee is of the considered opinion that the hospital can conduct the enquiry but it should also expand the constitution of the Enquiry Committee by including two independent ethical/external experts from the related specialities. The Ethics Committee feels that the matter

is of 2000 and now there is a need to urgently conduct an Enquiry in time bound manner. Therefore, the Ethics Committee decided to request the Principal and Controller, SMS Medical College, Jaipur to complete the enquiry within a period of two months and submit its report within the said time frame.

RECOMMENDATION OF ETHICS COMMITTEE

The Board of Governors may recommend the names of the external experts who will be the part of the Enquiry Committee constituted by the Principal & Controller, SMS Medical College, Jaipur. A copy of the decision of the present Ethics Committee, Medical Council of India should be communicated to the complainant."

The above decision was communicated to the Principal, SMS Medical College, Jaipur vide this office letter dated 02.11.2010 and copy to Sh. Ajeet Singh Singhvi.

In reference to this office letter dated 02.11.2010, the Principal, SMS Medical College, Jaipur informed that an enquiry committee has been constituted and the enquiry Committee will submit the report within a month.

The matter was considered by the Ethics Committee at its meeting held on 08.02.2011 and the decision was as under :-

"The Ethics Committee considered the Appeal made by Sh. Ajeet Singh Singhvi against the order dated 26.10.2007 passed by Rajasthan Medical Council and also noted the letter dated 05.01.2011 received from the Principal, SMS Jaipur, wherein he has informed the Council that as per the recommendations of the Ethics Committee as approved by the Board of Governors, MCI, they had constituted an Enquiry Committee in which they had changed only one member, the other members remaining the same as per the previous Enquiry Committee. They have also informed that the said Committee would submit its report within a month.

The Committee further noted that the period of one month has already been over and decided to direct the Principal, SMS Jaipur, to submit the report of the Enquiry Committee within a period of two weeks from the date of issue of the communication. Let the matter be placed before Ethics Committee after receipt of the report."

The decision was communicated to the Principal & Controller, SMS Medical College, Jaipur vide Council's letter dated 25.02.2011 with a copy to the appellant.

Mr. Ajeet Singh Singhvi had sent two letters dated 08.03.2011 & 14.03.2011 (requesting that an opportunity of personal hearing may kindly be provided to me to prove the allegation leveled against Dr. T.C. Sadasukhi and others.

However, it may be noted that the previous Ethics Committee had given Mr. Singhvi a personal hearing at its meeting held on 22.01.2008. Statements of concerned doctors were also recorded.

The reply is still awaited from SMS Medical college, Jaipur. Mr. Ajeet Singh Singhvi wants personal hearing from MCI.

The matter was considered by the Ethics Committee at its meeting held on 10.05.2011 and the decision was as under :-

"The Ethics Committee considered the appeal filed by Sh. Ajeet Singh Singhvi against the Order of Rajasthan Medical Council dated 26.07.2007. The Rajasthan Medical Council vide Order dated 26.07.2007 dismissed the complaint of the appellant and the order passed by Rajasthan Medical Council is as under:-

"The Council discussed and examined the complaint and the related material with the complaint made by Sh. Ajeet Singh Singhvi against Dr. T.C. Sadasukhi, Dr. Dinesh Jindal,

Dr. D.S. Mathur and after due examination has resolved to drop the complaint as no prima-facie case of professional misconduct has been found against Dr. T.C. Sadasukhi, Dr. Dinesh Jindal & Dr. D.S. Mathur".

The Ethics Committee have perused the case file and the statements recorded by the previous Ethics Committee of both complainant and the treating doctors concerned i.e. Dr. T. C. Sadasukhi, Dr. D. K. Jindal and Dr. D. S. Mathur. Their statements recorded on various occasions.

Statement of Dr. T. C. Sadasukhi

I Dr. T. C. Sadasukhi did my MBBS from S. M. S. Medical College, Jaipur in the year 1974 and did my MS(Surgery) from the same College in the year 1978 and M.Ch(Neurology) also from the same college in the year 1981. My Date of Birth is 09.05.1952. I am registered with Rajasthan Medical Council bearing Registration no. 5453.

- 1. Written consent is concerned patient's relation. One of our teaching faculty, Professor, Dr. Neelam Bapna, Professor(Anatomy) was alongwith patient and she is relation of the patient. The patient was admitted in cottage ward which is 300 meter away from our theatre. The patient came with attendant and Dr. Neelam Bapna to the theatre. She was explained in detail. I asked for written consent on the bed head ticket and took patient in the theatre. The procedure was performed and under local anaesthesia, not under general aneesthesia. This all indicate that patient has agreed to the procedure and there is a implied consent from the patient.*
- 2. Patient had palpable and tender lump in right flank. It was perinephric collection as a clinical first diagnosis and not hydatidcyst. Cyst(perinephric collection) was aspirated once from to posterior approach. Second collection which was superior and anterior to the kidney was drained through anterior axillary line by twelve French needle(3 to 4 milimetre size) in lumber position. After going through the literature even hydatidcyst can be aspirated per cutaniously in poor surgical patient and patient with multiple previous operation and infacted cyst. Presently use of anti-helminthic medicine compliment to surgical management not the replacement. Since, poor result has been reported when hydatidcyst cyst are managed with systemic anti-helminthics.*
- 3. The patient was seen in post operative period by me twice and it has been mentioned even on bed-head ticket. The patient was admitted with medical unit because of multiple medical problems and it is a usual practice in our institution whenever patient is referred by treating unit then only the required resident & consultant goes to see the patient. Page No. 47 of bed-head-ticket clearly shows that I have seen patient on 12th April-2000. So, the allegations are not seeing the patient are false.*

*Thanking you,
Sd/-*

(Dr. T. C. Sadasukhi)"

"Statement of Dr. D.K. Jindal

I Dr. D.K. Jindal passed my MBBS from SMS Medical College, Jaipur in the year 1973 and did my MS (Surgery) from the same institute in 1997. I did my DNB in 1981 and my registration no. is 4160 of Rajasthan Medical Council. My date of birth is 15.09.1951. Regarding this particular case I am submitting parawise comments, in addition to that, I would like to make a verbal statement which is as under:-

I saw Mrs. Jatan Kanwar Singhvi and advised a sonography and in sonography it was found to have perinephric collection so I advised for urological consultation. After couple of days I was informed that patient has some discharge from the aspiration side looking to the small discharge and the patient's age was more and with consultation of urologist and relatives it was decided to treat the patient conservatively. The patient was treated in consultation with physician

urologist in medical and surgical ICU's and she was attended very regularly and as and when required.

The Hon'ble members of Ethics Committee put some questions and obtained answers which were recorded.

Q.: Whether the lump was Symptomatic or Asymptomatic.

Ans.: It was Asymptomatic

Q.: Whether you attended the patient on 20th, 21st & 22nd

Ans.: On 20th when there was urgent reminder I came to see the patient for which I was submitting a Photostat copy.

Q.: Whether the procedure of aspiration was must.

Ans.: The procedure should have been done for diagnosis.

Q.: Whether the consent was obtained from the patient or the attendant.

Ans.: Since I was not involved I did not know.

Sd/-
(Dr. D.K. Jindal) 28.02.2008"

"Statement of Dr. D.S. Mathur

I Dr. D.S. Mathur passed my MBBS from SMS Medical College, Jaipur in the year 1967 and did my MD (Medicine) from the same institute in 1970. My registration no. is 2084 of Rajasthan Medical Council. My date of birth is 28.08.1945. Regarding this particular case I am submitting parawise comments alongwith a copy of the order of Rajasthan Medical Council and also a copy of date of reference to various other specialists.

The Hon'ble members of Ethics Committee put some questions and obtained answers which were recorded.

Q.: Whether the patient was put on ATT.

Ans.: She was transferred from nephrology unit as a patient of PUO and on clinical grounds we had started ATT but only after localization of a lesion in paranehric area, ATT was stopped.

Q.: What was the kidney function?

Ans.: Kidney functions were normal.

Q.: When the patient was transferred from surgical ICU to Medical ICU.

Ans.: She was transferred to Medical ICU only on the request of attendants but not by our permission.

Q.: What was the indication for admission in the medical ICU in the instance?

Ans.: I do not remember what was the exact indication it may have been case of influence of the attendants

Q.: Is it true monitoring facilities was not provided in Medical ICU to the patient on 25th April.

Ans.: 1. Exact nature of condition at that time was not required for any monitoring.

2. In any Govt. hospital the resources are limited. It was not necessary to snatch it from other patients, especially if the patient does not need monitoring.

Q.: What was the cause of death of patient.

Ans.: The patient had septicemia because of feacal fistuala.

I may like to further add during the whole inquiry I have never been called and since as there is no complaint against me. This complaint is fabricated just to harass me."

Sd/-
(Dr. D.S. Mathur) 28.02.2008"

The Ethics Committee referred the matter to SMS Medical College, Jaipur to constitute a Board/Committee and investigate the matter and send the report on the allegations made by the appellant within a month. Letters in this regard were sent by MCI to SMS Medical College, Jaipur on several occasions and the last letter was sent on 08.02.2011. Unfortunately, despite repeated reminders and requests, no report has been received by MCI from SMS Medical College, Jaipur.

The Ethics Committee therefore, decided to issue a final reminder to SMS Medical College, Jaipur to send the complete report of the Board/Committee at the earliest, otherwise the matter would be taken up by the Ethics Committee of the Medical Council of India for final decision."

The Principal and controller, SMS Medical College, Jaipur has sent a fax letter dated 23.05.2011. (copy enclosed)

The matter was placed before the Ethics Committee at its meeting held on 23.08.2011 and the committee decided as under:

"The Ethics Committee considered the appeal made by Sh. Ajeet Singh Singhvi against order dt. 26.07.2007 of Rajasthan Medical Council and noted that the as per Regulations as well as legal opinion by the Law Officer, Medical Council of India, the Ethics Committee has no powers to review the matter. The Ethics Committee noted the letter dated 23.05.2011 from SMS Medical College, Jaipur in which they have stated:-

"In reference to the subject cited above, following facts are submitted for your perusal and information:-

".....Therefore, vide order no.10610 dated 30.04.2011, Dr. R.K. Gupta, Retired PHOD, Department of Urology, S.M.S. Medical College, Jaipur was made convener of the inquiry committee, whose report will be submitted to you at the earliest, when received.

It is humbly submitted due to following unavoidable circumstances like repeated refusal by the conveners of inquiry committee, non availability of the committee members and the said letter of Mr. Ajit Singh Singhvi, Retired I.A.S. dated 17.03.2011 asking for a personal hearing has delayed the matter"

The Ethics Committee noted the letter from SMS Medical College, Jaipur and decided to wait for reply from SMS Medical College, Jaipur."

Now in reference to above Principal and controller, SMS Medical College, Jaipur vide letter dated 01.09.2011 submitted the report by Dr. R.K. Gupta and his team in the matter. The Ethics Committee noted the letter received regarding the decision of the Enquiry Committee and also noted that the Ethics Committee already has decided the matter at its meeting held on 10th May, 2011, wherein it was resolved to drop the complaint as no prima-facie case of professional misconduct has been found against Dr. T. C. Sadasukhi, Dr. Dinesh Jindal, Dr. D. S. Mathur. The same was communicated to all concerned vide MCI letter dated 18.05.2011.

The decision communicated by the, the then Deputy Secretary, Ethics, was recalled vide MCI letter dated 26.05.2011, as the earlier communication dated 18.05.2011 has inadvertently been varying from the actual decision taken by the Ethics Committee, therefore corrected.

10. Appeal against order dated 21.08.2008 passed by Karnataka Medical Council made by Mr. K,S.Nagesh.(F.No. 116/2011)

The Ethics Committee considered the appeal filed by Dr. K. S. Nagesh against the order dated 21.08.2008 passed by Karnataka Medical Council.

Mrs. K. V. Bharti Upadhyay, Counsel of Respondent Mr. V. Kantharaju (original complaint) has attended the meeting of the Ethics Committee on 01.11.2011 and the counsel Mr. Kashivasan has also attended the meeting on behalf of Appellant i.e. Mr. K. S. Nagesh on the same day.

The Ethics Committee asked the counsel of the appellant about the original records /case sheets of the case which was not available with them and similarly asked the

Counsel of the complainant for original complaint and other relevant documents which were not available with her and both the Counsel ensured that in the next hearing they will come alongwith respective case records.

The Ethics Committee perused all documents available on records and found that certified copy of original case sheet is not available. The internal enquiry report of the hospital is also not in record. The Ethics Committee observed that without these documents, it is not possible to conclude the matter. Therefore, the Ethics Committee decided to send a letter to the complainant as well as the appellant to provide/submit the original complaint, original case sheet, patients report and the report of Death Review Committee within 15 days and hearing may be given after receipt of all the documents in subsequent meeting of the Ethics Committee.

11. (1) **Complaint against Dr. O.P. Murthy for plagiarism of Scientific papers and other Fraud and Cheating at A.I.I.M.S. (F.No. 629/2009).**
- (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 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 considered the complaint against Dr. O.P. Murthy and noted that the matter was considered by the Ethics Committee at its meeting held on 11.01.2011 and the decision was decided as under:-

"The Ethics Committee considered the matter with regard to (1) complaint against Dr. O.P. Murthy for plagiarism of Scientific papers and other Fraud and Cheating at A.I.I.M.S. and (2) Complaint against Criminal nexus of Dr. OP 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 Committee perused the complaint of Mr. Amrendra Kumar dated 27.11.2009 addressed to the secretary, MCI and also perused the reply submitted by Dr. O. P. Murthy of AIIMS, Deptt. of Forensic Medicine dated 20.12.2010. After going through both the letters, the committee is of the opinion that the following information may be obtained from the Undergraduate Section of MCI:-

- 1. Numbers of inspections attended by Dr. O. P. Murthy and the reports*
- 2. Copies of letters issued to him from MCI in this regard*
- 3. MCI Criteria for appointment of inspectors*

The Committee further directed the Council to send a copy of Dr. O.P. Murthy's reply to the complainant, Mr. Amrendra Kumar and also a reminder be issued to Director, All India Institute of Medical Sciences, New Delhi in continuation to MCI's letter dated 20.11.2010."

As per above decision a reminder has been sent to the Director, AIIMS, New Delhi vide Council's letter dated 03.02.2011.

In response, the Deputy Director, Administration, AIIMS vide his letter dated 20.01.2011 has informed that the matter referred on the above may kindly be looked into expeditiously and provide the relevant information on priority.

The information provided by the U.G. Section is as under:-

“ As desired by the Ethics Section, it is stated that from perusal of the inspection records of the U.G. Section from the academic year 2007-2008 to till date, it has been found that Dr. O.P. Murthy has been carried out the following inspections :-

S.No.	Name of the College	Type of Inspection	Date of Inspection
1.	S.D.M. Medical College, Dharwad	Pre- PG Inspection	5 th Jan, 2010
2.	Kasturba Medical College, Manipal	Continuance of Recognition	17 th & 18 th Nov., 2006
3.	Kasturba Medical College, Mangalore	Continuance of Recognition	20 th & 21 st Nov., 2006
4.	B.M. Patil Medical College, Bijapur	Continuance of Recognition	29 th & 30 th Dec., 2009

The matter was again considered by the Ethics Committee at its meeting held on 08.03.2011 and the decision was decided as under:-

“The Ethics Committee considered the complaint lodged by Dr. Amrendra Kumar against Dr. O.P. Murthy for plagiarism of scientific papers and other fraud and cheating at AIIMS and also the complaint against criminal nexus of Dr. OP 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 and noted that in the previous meeting, the Committee had considered the letter dated 27.11.2009 of Dr. Amrendra Kumar and the reply dated 20.12.2010 submitted by Dr. O. P. Murthy, directed the UG Section of the Medical Council of India to provide certain information in respect of Dr. O. P. Murthy. The Committee also recommended to send a copy of Dr. O. P. Murthy’s reply to Dr. Amrendra Kumar.

On perusal of the records available in the Council Office, the UG Section has provided the copy of various letters dated 13.11.2006, 14.11.2006, 26.12.2009 and 02.01.2010 of MCI whereby requesting to Dr. O. P. Murthy to carryout the inspection of the various medical colleges. The said letters of the Medical Council of India was placed before the Committee. On perusal of the MCI reports duly signed by the assessors where Dr. OP Murthy was one of the assessors, it was found that Dr. OP Murthy signed these reports as Professor of Forensic Medicine, thus substantiating the complaint.

After considering the said report, the Committee decided to send a letter to Dr. Amrendra Kumar with the request to provide adequate documents in support of his complaint. Let matter be placed before ethics committee on 5.4.2011.”

In view of above, the matter is placed before the Ethics Committee at its meeting held on 05.04.2011 and the committee decided as under:

“The Ethics Committee could not consider the matter due to paucity of time and the same may be placed before the committee at its next meeting on 10/5/11.”

The matter was again placed before the Ethics Committee at its meeting held on 10.05.2011 and the Ethics Committee decided as under:

The Ethics Committee perused the records and noted the inspection report signed by Dr. O.P. Murthy. It was observed by the Committee that Dr. O.P. Murthy has signed as Professor while his designation is that of Additional Professor, Department of Forensic Medicine, AIIMS as per the records available with the Council. The Ethics Committee came to the conclusion that it is a prima facie case of professional misconduct on the part of Dr. O.P. Murthy, therefore, the Ethics Committee is of the opinion that in the interest

of justice a show-cause notice should be given to Dr. O P Murthy and called for personal hearing at the next date of meeting.

The Ethics Committee meeting to be held on 14.06.2011 has been postponed.

As per above decision, Dr. O.P. Murthy was requested to appear before the Ethics Committee on 01.11.2011 vide Council's letter dated 19.10.2011.

In reference to above notice, Dr. O.P. Murthy appeared before the Ethics Committee on 01.11.2011. The Ethics Committee enquired whether he has received letter for inspection designating him as Professor and whether he has signed the confidential Inspection report of Medical Council of India as Professor of Forensic Medicine Deptt., which Dr. O.P. Murthy replied – Never.

On perusal of all the original documents (Inspection Reports) shown, as provided by Undergraduate Section of the Council, signed by Dr. O.P. Murthy as Professor of Forensic Medicine. Dr. Murthy agreed that he is misrepresented himself by signing as a Professor of Forensic Medicine, AIIMS. The Ethics Committee is of unanimous opinion that a warning/in form of censure should be issued to Dr. Murthy directing him to desist from mis-representing himself as a Professor of Forensic Medicine. A copy of this letter should be sent Director, AIIMS for information and for placing it in Dr. Murthy's annual appraisal report.

12. 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 against order dated 21.12.2010 passed by Tamilnadu Medical Council made by Mr. R. Rajendran.

Brief summary :-

"Mr. R. Rajendran, 54 year old male with complaint of diminished vision in both eyes and history of diabetes was examined at Arvind Eye Hospital, Madurai. He was advised good diabetic control and asked to come for review after 6 months.

At his next visit, he was explained about clinical trial regarding vitreosolve injection. He was advised to come for screening only if he was interested and his participation would be 100 % voluntary.

Mr. R. Rajendran was explained the procedure in details, informed consent was taken and the trial started.

On the first post trial day, he complained of pain, redness and dimunition of vision in the right eye. USG of right eye showed vitreous exudates suggestive of endophthalmitis. Vitreous tap was done and intra vitreal antibiotics started. His condition showed improvement later he developed cataract in the right eye for which cataract surgery was done. Clinically his opthalnic condition was normal at his last visit to the hospital.

Reasons for appeal.

1. *Proper informed consent not taken. No signatures of the investigator. Correct names of the Investigator and Co- Investigator were not declared in the clinical trial document.*
2. *Trial procedure conducted by incompetent person. Steroids used indiscriminately without the knowledge of the Investigator resulting in reduction of vision acuity and steroid induced glauconia.*
3. *The severe adverse event that occurred was not reported to the U.S. Dept of Health & Human Services as per clinical trial protocols.*
4. *No compensation given for participation in the clinical trial.*
5. *Suffering from low visual acuity and steroid induced glaucoma for which I shall have to take life term medication and vision may gradually be lost completely.*
6. *Tamil Nadu Medical Council is not entertaining the complaint."*

The matter was placed before the Ethics Committee at its meeting held on 05.04.2011 and it was decided as under:

"The Ethics Committee considered the appeal filed by Mr. M. Rajendran against the order dated 21.12.2010 passed by Tamil Nadu Medical Council and noted that the Tamilnadu Medical Council vide Order dated 21.12.2010 has not entertained the complaint of Mr. R. Rajendran.

The appellant Mr. R. Rajendran had stated the brief grounds for his appeal as under:-

- 1. Proper informed consent not taken. No signatures of the investigator. Correct names of the Investigator and Co- Investigator were not declared in the clinical trial document.*
- 2. Trial procedure conducted by incompetent person. Steroids used indiscriminately without the knowledge of the Investigator resulting in reduction of vision acuity and steroid induced glauconia.*
- 3. The severe adverse event that occurred was not reported to the U.S. Dept of Health & Human Services as per clinical trial protocols.*
- 4. No compensation given for participation in the clinical trial.*
- 5. Suffering from low visual acuity and steroid induced glaucoma for which I shall have to take life term medication and vision may gradually be lost completely.*
- 6. Tamil Nadu Medical Council is not entertaining the complaint."*
- 7. He further stated that there has been gross negligence in his treatment by Dr. Kim Ramaswamy.*

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 on 14.06.11.

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

The Respondents are given 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 on 14.06.2011.

Notice of hearing to the parties must clearly disclose that if the parties fail to appear on 14.06.2011, 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 Tamilnadu Medical Council."

The above decision was communicated to Mr. R. Rajendera, Dr. Kim Ramaswamy, Dr. P. Namperumal Swami, Dr. Chakarbarti and Dr. S.R. Ratinam vide this office letter dated 21.04.2011 with the request to appear before the Ethics Committee on 14.06.2011.

The Ethics Committee meeting to be held on 14.06.2011 has been postponed.

As per above decision, Mr. R. Rajendran, Dr. Kim Ramaswamy, Dr. P. Namperumal Swami, Dr. Chakarbarti and Dr. S.R. Ratinam have been requested to appear before the Ethics Committee on 01.11.2011 vide Council's letter dated 21.10.201.

In reference to above notice, Mr. R. Rajendran appeared before the Ethics Committee on 01.11.2011.

Documents submitted by Mr. R. Rajenderan were provided to one of the member of Ethics Committee for providing the comments which will facilitate in arriving at the decision in the matter and after the receipt the same may be placed before Ethics Committee in its subsequent meeting and complete set of records may be called and the hearing may be provided in subsequent meeting of Ethics Committee.

13. Judgements of Supreme Court of India - suggesting action/amendments to the respective Acts - regarding.

The Ethics Committee considered the matter with regard to Judgements of Supreme Court of India - suggesting action/amendments to the respective Acts and noted that the model law should restrict itself to accident cases which require treatment without waiting for police/legal formalities.

The Ethics Committee feels since the infrastructure available across the country specially in rural, urban and slums areas is of varying nature, such a law is premature on other aspects.

Issues like patient's stabilization and transportation to an appropriate centre/consultation may be excluded from the law keeping in mind the fact that the infrastructure available in the health care centre across the country are of a variable nature. Model law considered appropriate by the Ethics Committee is attached as an Annexure -I.

14. Complaint against Dr. Surender Pratap Singh working in Pushpanjali Medical Centre under Dr. Vinay Kumar Aggarwal as alleged by Dr. Pankaj Singhal, Dr. M.C. Gupta & Dr. Babu K.V. (F.No. 463/2011)

The Ethics Committee considered the matter and perused the records in detail and also considered the High Court Judgement in the said case No. WP© No. 4851/2011.

The Ethics Committee decided to direct all the complainants i.e. Dr. Pankaj Singhal, Dr. M.C. Gupta and Dr. Babu K. V. to produce the documentary evidences in support of their complaint against Dr. Vinay Aggarwal. If, they do not reply/submit the evidences within 15 days, the Ethics Committee will be free to take ex parte decision. The final decision on this matter is to be taken in the next meeting.

As discussed with the Law Officer, the decision of Ethics Committee after the matter is considered in the subsequent meeting of the Ethics Committee can be communicated to Hon'ble court.

15. Application to follow the Hon'ble High Court, Allahabad order dated 09.08.2011.

"It is stated that Sh. Ram Ratan Prasad and Sh. Jaiprakash Kushwah vide application dated nil received in the Council office on 02.09.2011 has informed that they have challenged "the State Government letter dated 18.04.2011 and Director Homeopathic order dated 15.06.2011 regarding not to use the word of Dr. (doctor) before their name and debar from the practice of Electro Homeopathy" in the Hon'ble High Court of Allahabad vide WP No. 44897/2011. He has submitted the order of the Hon'ble High Court of Allahabad dated 09.08.2011.

In the said order the applicant has been directed to submit their application to the expert body i.e. Indian Medical Council within 7 days from the date of obtaining a certified copy of the order. The Council will make an expert body to examine all the aspects of the matter and prepare a report to take a decision for necessary recommendation to the Governmental Authority as early as possible. With the above observation, the writ petition has been disposed of.

The matter of Electro Homeopathy does not come under the purview of the Council however, the matter is referred by the Legal Section to Ethics Section and directed by competent authority to put up before the Ethics Committee for their consideration in the matter.

The Ethics Committee considered the matter and decided that the practice of Homeopathy is regulated by Homeopathy Council which is under the Department of AYUSH.

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

It may be stated that Sh. Pankaj Rai filed an appeal dated 11.06.2011 against the order dated 02.06.2011 passed by Karnataka Medical Council.

Summary of complaint

"Smt. Seema Rai, aged about 44 years was a patient of Respondent (1) Dr. Ranjana Sreedhara, Consultant Nephrologist for 18 months. She was hospitalized at Fortis Hospital on 01.05.2010 to undergo Elective Kidney Transplant Surgery. She was suffering from Hypertension,

Diabetes Mellitus and Chronic Renal failure. She was also undergoing dialysis thrice a week at the same hospital Initially. She had to undergo Cadaveric Renal transplant. She was advised by Respondent (1) Dr. Ranjana Sreedhaa, Consultant Nephrologist for pancreatic transplant as well as which involves minimal risk. On 2nd and 3rd of May, 2010. She underwent approximately 21 hours of Surgery under G.A, where 26 units of blood were transfused and subsequently she was placed on ventilator and she died of Cardiac failure on 06.05.2010 at 9.00 p.m Complainant also says that his wife had a cardiac arrest during the course of 2nd Surgery which was not conveyed to the complainant. Complainant also says that the respondents withhold the risk associated with the surgery and proper explanation was not given and the consent of the husband prior to surgery was not obtained. There was negligence in examination and assessing the Patient's condition before undertaking surgery. There was negligence in allowing the patient to develop infection after surgery which led to her death while under hospital care and did not take adequate steps to determine the cause of death."

Karnataka Medical Council passed an Order dated 02.06.2011 in the above matter. The operative part of the decision is as under:-

"Karnataka Medical Council is of the unanimous opinion that there was "No negligence or Violation of Code of Medical Ethics" by Dr. Ranjana Sreedhara Consultant Nephrologist and Dr. Ramcharan Thiagarajan, Surgeon have been exonerated. Respondent (3) M/s Fortis Hospital is administered a "WARNING" to follow the instructions of Appropriate Authority for Transplantation of Human Organ Act 1994 and take measures to control infection and submit a compliance Report of Karnataka Medical College within 20 days from the date of this Order."

It may further be stated that the Council has received letters dated 17.06.2011 and e-mail dated 19.07.2011 from Mr. Pankay Rai (Retd.)

The matter is placed before the Ethics Committee at its meeting held on 23.08.2011 and the committee decided as under:

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

The Respondents are given 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 Karnataka Medical Council. The Committee decided that the matter be reviewed by the members of Ethics Committee."

The decision of the Ethics Committee has been communicated to a Member, Ethics Committee vide letter dated 01.09.2011 and separate item was placed before the Ethics Committee on 27.09.2011.

The comments of the member of Ethics Committee have been received on 01.11.2011 and the same are reproduced as under:

"I have gone through the 161 pages of documents on the CD sent to me in detail. The complaint has already been thoroughly investigated by the Appropriate Authority of Govt. of Karnataka (chaired by D.N. Nayak) and the Karnataka Medical Council. In my opinion, there has not been any negligence on the part of the treating nephrologist and transplant surgeon.

I agree with the decision of Karnataka Medical Council and feel that no further action on the part of MCI is required."

Ethics Committee discussed the matter in detail and decided to serve notice of hearing be sent along with complete annexures to both the parties. 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 decided the same on the basis of available records.

(Dr. Davinder Kumar)
Joint Secretary

Correction Made and APPROVED BY

(Prof. Sneh Bhargava)
Chairman

Dr. Arun Bal
Convenor

Dr. Anil Dhal
Member

(Dr. Dipankar Gupta)
Member

(Dr. Vinay Sakhuja)
Member

(Prof. Kumudini Sharma)
Member

(Dr. Sanjay Gupte)
Member

(Dr. Raja Babu Panwar)
Member

New Delhi,
1st November, 2011.