

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

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

Minutes of the First Meeting of newly constituted Ethics Committee was held under the Chairmanship of Dr. P. K. Dave on 23rd & 24th August, 2013 at 10.00 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi. The Following Members attended the meeting:-

1.	Dr. P. K. Dave	Chairperson
2.	Dr. Arup Das Biswas	Member
3.	Dr. B.G. Tilak	Member
4.	Dr. K. K. Aggarwal	Member
5.	Smt. J. Lalithambika, (IAS)	Member
6.	Dr. Sangeeta B. Desai	Member
7.	Dr. Rama V. Baru	Member
8.	Dr. G. K. Sharma	Member
9.	Dr. N. K. Sethi	Member
10.	Dr. N. K. Mohanty	Member*
11.	Dr. Raj Kumar	Member
12.	Dr. J. L. Gupta	Member
13.	Dr. M. S. Gupta	Member
14.	Dr. Atul Sood	Member *
15.	Sh. Ajay Kumar Jain, Advocate	Member
16.	Sh. Amit Bansal, Advocate	Member *

Dr. P. Prasannaraj

Addl. Secretary, MCI

Leave of absence was granted to Dr. Suranjana Bhattacharjee.

At the outset Dr. P. Prasannaraj, Additional Secretary, Medical Council of India welcomed the Chairman and Members of the newly constituted Ethics Committee.

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

(Dr. G. K. Sharma)

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(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave – Chairperson)

The contribution of the Ethics Committee under Chairmanship of Dr. Sneh Bhargava was highly appreciated for the remarkable good work done during her tenure.

The members were apprised that the last meeting of the previous Ethics Committee was held on 28th & 29th June, 2013 and no meeting could be convened in the month of July, 2013 because the Committee was constituted in the month of July 2013 and within short span of time, no meeting could be convened in July, 2013.

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

The Minutes of the Ethics Committee meeting held on 28th & 29th June, 2013 were confirmed.

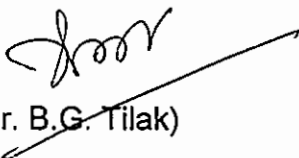
02. Review of Action taken on Minutes of the Ethics Committee meeting held on 24th & 25th May, 2013.

Action taken Report of Ethics Committee meeting held on 24th & 25th May, 2013 was placed before the Committee and it was noted by the Committee.

03. Appeal dated 16.05.2013 filed by Dr. Rajiv Lochan against order dated 12.03.2013 passed by U. P. Medical Council - Reg

The Ethics Committee considered the appeal dated 16.05.2013 filed by Dr. Rajiv Lochan against Order dated 12.03.2013 passed by U.P. Medical Council. The summary of complaint reads as under:-

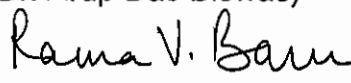
"patient Mrs. Shanti Devi was admitted in Aashirwad Nursing Home, Aligarh due to stomach pain on 17.04.2012 under the treatment of Dr. Rajeev Lochan. After various investigation, Dr. Lochan informed Sh. Veer Singh that the right side kidney of his mother is damaged and to save the life of the patient, he has to perform an operation to remove the kidney. Sh. Veer Singh again admitted the patient on 06.05.2012 and the same day surgery of right kidney was done by Dr. Rajeev Lochan. But after the operation when the patient did not get any relief, Dr. Lochan sent her to Varun Heart Center for Dialysis where she had continued under dialysis from 07.05.2012 to 20.05.2012. Then, attendants came to know that Dr. Lochan removed the left side kidney instead of right side damaged kidney."


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

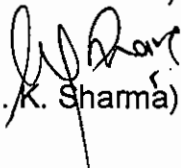

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)


(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

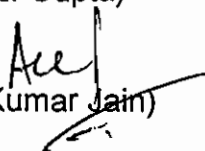
(Dr. N. K. Mohanty)

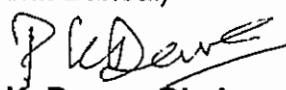
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

The U. P. Medical Council vide its order dated 12.03.2013 held that :-

"..... Ethics Committee and later Governing Body of U.P. Medical Council have approved the leveled charges of submitting forged case sheet and careless /negligent performance of surgery and removal of patient's left normal kidney instead of right kidney which was non functional. Presently patient is having right non functional kidney and is on continuous dialysis programme.

Both Ethics Committee and Governing Body of U.P. Medical Council are of opinion that Dr/ Rajiv Lochan should have differentiated between normal and abnormal kidney and confirmed it at the time of surgery before removing the normal kidney.

Governing Body of U.P. Medical Council, keeping in mind, Professional conduct, Etiquette and Ethics Regulations-2002 has pronounced the suspension of medical registration for 2 (Two) years from 15.03.2013 to 14.03.2015, and his name to be struck off from the register of U.P. Medical Council. He will not be authorized to work as surgeon/physician/clinician during this period."

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Sh. Veer Singh and Dr. Rajiv Lochan for personal hearing with all the medical records and supportive documents available with them in the subsequent meeting. The Ethics Committee directed Sh. Veer Singh to bring Mrs. Shanti Devi, who whad undergone operation at Aashirwad Nursing Home, Aligarh, if possible.

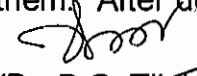
Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

04. Appeal dated 27.05.2013 filed by Sh. Veer Singh against order dated 12.03.2013 passed by U.P. Medical Council-Reg

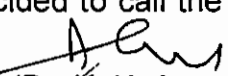
As the matter pertains to the same case, the matter is clubbed together and the Ethics committee decided to call both the parties.

05. RC 10 (A) /2011 of CBI, Chennai forwarding of self contained note 131 doctors results action taken-Intimation-requested - Reg.

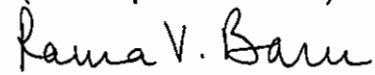
The Ethics Committee considered the letter No. RC 10 (A) /2011 of CBI, Chennai forwarding a self contained note on 131 doctors for taking action against them. After detailed deliberation, the Ethics Committee decided to call the Dean,

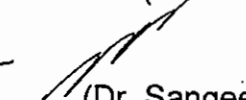

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

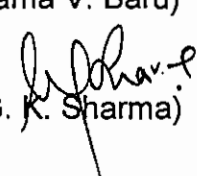

(Dr. K. K. Aggarwal)


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(Smt. J. Lalithambika)

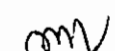

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)


(Dr. N. K. Mohanty)

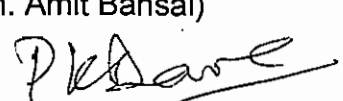
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

Principal, Vice-Chancellor alongwith the authorized person who has signed the Declaration Forms of the Vinayaka Mission Medical College, Karaikal, Pondicherry on 05.09.2013 for hearing alongwith all the relevant documents.

06. RC 19(A)2011 of CBI ACB Chennai against M/s Thirumurga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Education and Charitable Trust rep by its Secy. Prof. V.R.Rajendran. (Aarupadeiveedu Medical College, Pondicherry)

The Ethics Committee considered the letter No. RC 19(A)2011 of CBI ACB Chennai against M/s Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Education and Charitable Trust represented by its Secretary, Prof. V.R.Rajendran. (Aarupadeiveedu Medical College, Pondicherry). After detailed deliberation, the Ethics Committee decided to call the Dean, Principal, Vice-Chancellor alongwith the authorized person who has signed the Declaration Forms of the M/s Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamingal Medical Education and Charitable Trust, Aarupadeiveedu Medical College, Pondicherry on 05.09.2013 for hearing alongwith all the relevant documents.

07. Hospital advertisement-Reg.

The Ethics Committee considered a complaint letter dated 17.05.2013 received from Prof. Sri Ram Khanna, Deptt. Of Commerce, Delhi School of Economics, University of Delhi. It was also brought to the notice of the Ethics Committee that a similar advertisement dated 23.08.2013 published in the Time of India regarding Saket City Hospital and the same was also placed on the table before the Committee.

After detailed deliberation on both the advertisements, the Ethics Committee decided to issue a Show Cause Notice to the following doctors:-

Nova Orthopaedic & Spine Hospital, Nehru Enclave.

1. Dr. Mandeep Singh
2. Dr. Alok Sharma
3. Dr. Nitiraj Oberoi
4. Dr. Harshavardhan Hegde
5. Dr. Rakesh Mattoo
6. Dr. Manish Dalwani

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

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(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave – Chairperson)

7. Dr. Akshay Kumar Saxena

Saket City Hospital, Saket, New Delhi.

1. Dr. Prashant Saxena
2. Dr. Sanjay Sharma
3. Dr. R. K. Mani
4. Dr. Ritesh Aggarwal
5. Dr. Gargi Maitra
6. Dr. Leelawati Thakur

The Ethics Committee directed to call the above doctors of both the hospitals to appear and explain before the Committee on 05.09.2013 at 2.00 pm, as to why, disciplinary action will not be taken against them for violation of Clause 6.1.1 and 7.1 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which are as under:-

"6.1.1. Soliciting of patients directly or indirectly, by a physician, by a group of physicians or by institutions or organizations is unethical. A physician shall not make use of him / her (or his / her name) as subject of any form or manner of advertising or publicity through any mode either alone or in conjunction with others which is of such a character as to invite attention to him or to his professional position, skill, qualification, achievements, attainments, specialities, appointments, associations, affiliations or honours and/or of such character as would ordinarily result in his self aggrandizement. A physician shall not give to any person, whether for compensation or otherwise, any approval, recommendation, endorsement, certificate, report or statement with respect of any drug, medicine, nostrum remedy, surgical, or therapeutic article, apparatus or appliance or any commercial product or article with respect of any property, quality or use thereof or any test, demonstration or trial thereof, for use in connection with his name, signature, or photograph in any form or manner of advertising through any mode nor shall he boast of cases, operations, cures or remedies or permit the publication of report thereof through any mode. A medical practitioner is however permitted to make a formal announcement in press regarding the following:

1. On starting practice.
2. On change of type of practice.
3. On changing address.
4. On temporary absence from duty.
5. On resumption of another practice.
6. On succeeding to another practice.
7. Public declaration of charges.

7.1 Violation of the Regulations: If he/she commits any violation of these Regulations."

(Dr. B. G. Tilak)

(Dr. Arup Das Biswas)

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

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(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave – Chairperson)

08. Generic Medicines-Reg.

The Ethics Committee considered the letter dated 14.03.2013 received from Sh. Anil Bajpai, President, RWAs Federation Delhi (East). The Ethics Committee was apprised that Medical Council of India has already issued a Circular No. MCI-211(2)(Gen.)/2012-Ethics/. to all the Dean/Principals of All the Medical Colleges, Directors of all the Hospitals and President of all the State Medical Councils vide Council's letter dated 21.01.2013. The Ethics Committee took note of it.

09. Submission of report of the Vigilance Division on the complaint against Dr. Yatish Kumar Sanadhya working as Asst. Prof. in deptt. of Medicine at Jhalawar Hospital & Med. College, Jhalawar, Rajasthan.

The Ethics Committee considered the report of the Vigilance Division on the complaint against Dr. Yatish Kumar Sanadhya working as Asst. Prof. in Deptt. of Medicine at Jhalawar Hospital & Med. College, Jhalawar, Rajasthan and deliberated on the issue and directed the Dean and Dr. Yatish Kumar Sanadhya of Jhalawar Hospital & Med. College, Jhalawar, Rajasthan to appear before the Ethics Committee with all relevant documents in the subsequent meeting.

10. Appeal dated 06.05.2013 filed by Dr. Tripti Das against Dr. Phani Bhushan Mandal, Divine Nursing Home, Kolkata-reg.(594/2011).

Dr. Arupdas Biswas Member, Ethics Committee recused himself from the proceedings for the said Agenda Item.

The Ethics Committee considered the appeal filed by Dr. Tripti Das against Dr. Phani Bhushan Mandal, Divine Nursing Home, Kolkata. The summary of the complaint are as under:-

"Brother of Dr. Tripti Das suffered head injury on the early morning of 19.04.2011. He contacted with Dr. Phani Bhushan Mandal of North City Hospital and Neuro Institute Pvt. Ltd. Dr. Phani Bhushan Mandal attended the patient at 2.00 am but did not perform any specific treatment. Patient was in altered conscious level. The said nursing home did not have facility of CT Scan. Dr. Mandal later in the morning of 19.04.2011 advised the patient to be transferred to Divine Nursing Home Pvt. Ltd. and a CT Scan of brain was done around 8.30 am which revealed Acute SDH over left fronto-parieto-temporal region and inter hemispheric fissure causing compression of adjacent cortex Left Sylvian fissure, third and left lateral ventricle with a midline shift of 13 mm to right. Patient was also having slurring speech, disorientation and right sided weakness etc. Despite critical condition of the patient, Dr. Phani Bhushan Mandal performed surgery in the evening of 19.04.2011 at

(Dr. B. G. Tilak)

(Dr. Arup Das Biswas)

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

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(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave – Chairperson)

6.00 pm. Patient was shifted back to the ICU following the surgery in unconscious and extremely critical condition and declared dead at 10.30 pm."

The Ethics Committee noted that the Appellant, Dr. Tripti Das have appeared alongwith her son before the Ethics Committee for hearing. Dr. Phani Bhushan Mandal did not appear before the Committee for hearing.

The Appellants presented the clinical records of Dr. Sujit Kumar Das, patient, who was admitted in Divine Nursing Home, Kolkata. The Committee deliberated on the issue and decided to give final opportunity to respondent Dr. Phani Bhushan Mandal to present himself before the Committee in the subsequent meeting, failing which it will be presumed that he has nothing to say in this matter and decision will be taken as deemed fit. The Ethics Committee directed the MCI to also issue a letter through the Head of the Institution i.e. North City Hospital and Neuro Institute Pvt. Ltd., Kolkata.

11. Complaint dated 08.03.2011 filed by Sh. Pranabesh Chatterji against Dr. L.N. Tripathy and Dr. B.D. Chatterjee of Apollo Gleneagle Hospital, Kolkata-reg.(117/2011).

The Ethics Committee considered the appeal filed by Sh. Pranabesh Chatterjee against Dr. L. N. Tripathy and Dr. B.D. Chatterjee of Apollo Gleneagle Hospital, Kolkata. The summary of the complaint are as under:-

"patient Ms. Olympia Chatterjee was admitted in Apollo Gleneagle Hospital, Kolkata on 13.09.2009 after a road accident with head injury and multiple traumas under the care of Dr. L. N. Tripathy and Dr. B. D. Chatterjee. During the treatment she had recovered and on 11.10.2009 she again suffered a massive setback and sent to ICU in critical condition. Dr. Sukumar Mukherjee, Physician(Medicine) examined the patient twice and advised the management of the hospital for taking corrective measures to save the life of patient at first, which he observed deficient on their action taken. The patient was there till 21.11.2009.

After that patient admitted in S.S.K.M. Hospital, Kolkata on 21.11.2009 where she had undergone a long treatment till 09.09.2010. Patient lying at home in same coma condition with the support of different life support equipments since 09.09.2010 having no neurological improvement and died in January 2013."


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K.K. Aggarwal)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

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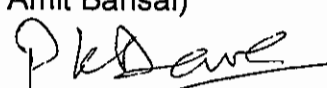
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

The Ethics Committee noted that both the parties i.e. Appellant, Sh. Pranabesh Chatterjee and Respondents, Dr. B.D. Chatterjee and Dr. Dipankar Ganguly(Air MSHL(Retd.) CEO, Dr. Saibal Mukherjee, Dr. Jay Bary of Apollo Gleneagle Hospital, Kolkata have appeared before the Ethics Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail and deliberated on the issue and found no medical negligence on the part of the treating doctors. However, the Committee observed that deficient services rendered by the hospital by not following standard protocol at the time of discharge. The Ethics Committee directed to write a letter to the Directorate of Health Services, Govt. of West Bengal requesting them to issue advisory to the concerned hospital for providing adequate facilities to the patients in future.

12. Appeal against order dated 17.11.2012 passed by A.P. Medical Council made by Mrs. Sreevani @ Vani against Dr. G. Surendar & A.P. Medical Council.(519/2012).

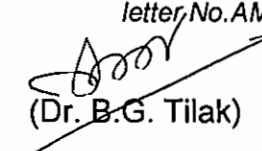
The Ethics Committee considered the appeal filed by Mrs. Sreevani @ Vani against Dr. G. Surendar & A.P. Medical Council and noted that A.P. Medical Council vide its order dated 17.11.2012 held that :-

".....The Executive Committee noted that the respondent Dr. G. Surender Reddy has also stated that he has not issued any fake or false certificate and it is as per the standard text books of Forensic Medicine and he has requested that the matter be discussed in the Council and Justice be done to him.

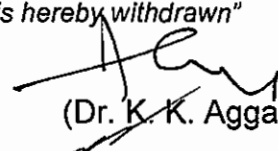
The Executive Committee noted that the Ethics Committee in its meeting held on 28.09.2012 has considered this item together with the material placed before it by Dr. G.Surender Reddy on 28.09.2012 and made necessary observations/recommendations. The Executive Committee has gone through the observation/recommendations of the Ethics Committee. The Executive Committee observed that for the last 30 years Potency Certificates are issued by the Forensic Sciences Department. Osmania General Hospital and Gandhi Hospital, which are the biggest hospital and Dr. G. Surender Reddy, Head of the Forensic Sciences Department has observed the proto-cols.

Taking into consideration of your Application together with the detailed observations/recommendations of the Ethics Committee, the Executive Committee decided that issuing Potency Certificate by the Forensic Medicine Department is accepted by convention. Hence, the original "Warning" be withdrawn.

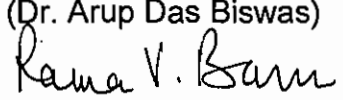
In view of the decision taken by the Executive Committee in its meeting held on 09.10.2012, I am directed to inform that the original "Warning" communicated to you through this office letter.No.AMC/DC/015/Case No.27/2011 dated 07.02.2012 is hereby withdrawn"


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

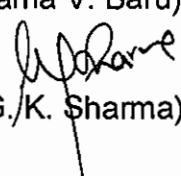

(Dr. K.K. Aggarwal)

(Dr. Atul Sood)

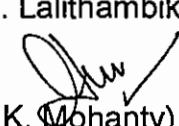

(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

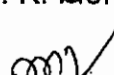

(Dr. G.K. Sharma)

(Dr. N. K. Sethi)


(Dr. N. K. Mohanty)

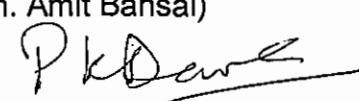
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(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

The Ethics Committee noted that the Counsel, Sh. Rakesh Sanghi of Appellant, Mrs. Sreevani @ Vani have appeared before the Ethics Committee for hearing. The Committee also discussed on the letter dated 17.08.2013 received from the Respondents, Dr. G. Surender Reddy wherein he has shown his inability to attend the MCI Meeting on 23.08.2013 and informed that AP Medical Council will represent him before the Committee. But, no one appeared on behalf of him from the AP Medical Council.

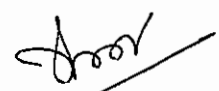
The Ethics Committee heard the deposition of Appellant in detail and after examining the records, the Ethics Committee deliberated on the issue and decided to give a final opportunity to Dr. G. Surender Reddy to appear before the Ethics Committee with relevant document (Page – 5 of the Affidavit dated 07.03.2013 in the Court of Judge, Additional Family Court, Hyderabad, on the basis of which, Certificate was issued) in the subsequent meeting. The Committee also directed the MCI to take up the matter with Andhra Pradesh Medical Council for clarification on the rule position regarding reviewing their own decision.

13. Appeal dated 24.04.2013 filed by Sh. Harjesh Singh against Dr. Barjinder Singh Sohal, Patiala-reg.(211/2012).

The Ethics Committee considered the appeal filed by Sh. Harjesh Singh against Dr. Barjinder Singh Sohal, Patiala. The summary of complaint reads as under:-

"Mrs. Avneet Kaur w/o Sh. Maninder Pal Singh got injury on her ear drum on 28.03.2011 and got admitted in Rajindera Hospital Patiala on 30.03.2011. Dr. Barjinder Singh Sohal examined Mrs. Avneet Kaur and issued a report dated 06.08.2011 that "hearing is within normal limit, but now it can be taken as grievous till the loss is repaired. The said report is not a proper medical legal opinion and it was made at the instance of the complainant by hatching a conspiracy in order to use the grievous word in the opinion and the said report was challenged and the police also sought the legal opinion of DA(legal). A Board was constituted but Mrs. Avneet Kaur refused to examine herself.

After a gap of 10 months on 21.05.2012 the above doctor has given another opinion that "the injury is grievous one" in order to cause harm to the applicants. The report issued by Dr. Barjinder Singh Sohal is totally false and manipulated."


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

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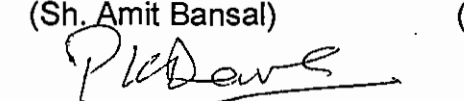
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

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(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

The Ethics Committee noted that both the parties i.e. Appellant, Sh. Harjesh Singh and Respondents, Dr. Barjinder Singh Sohal, Rajindera Hospital, Patiala have appeared before the Ethics Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail. After detailed deliberation on the issue, the Ethics Committee observed that submission made by Dr. Barjinder Singh Sohal and the case record produced by him does not suggest grievous nature of the injury at the first instance. The Ethics Committee observed that it was a professional misconduct on the part of treating doctor Dr. Barjinder Singh Sohal and a warning be issued to him under Regulation 1.2.1 to be read with 8.2 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which are as under:-

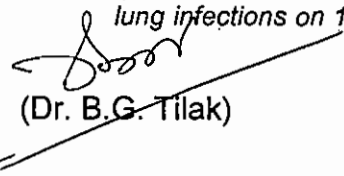
"1.2.1 The Principal objective of the medical profession is to render service to humanity with full respect for the dignity of profession and man. Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion. Physicians should try continuously to improve medical knowledge and skills and should make available to their patients and colleagues the benefits of their professional attainments. The physician should practice methods of healing founded on scientific basis and should not associate professionally with anyone who violates this principle. The honoured ideals of the medical profession imply that the responsibilities of the physician extend not only to individuals but also to society."

"8.2 It is made clear that any complaint with regard to professional misconduct can be brought before the appropriate Medical Council for Disciplinary action. Upon receipt of any complaint of professional misconduct, the appropriate Medical Council would hold an enquiry and give opportunity to the registered medical practitioner to be heard in person or by pleader. If the medical practitioner is found to be guilty of committing professional misconduct, the appropriate Medical Council may award such punishment as deemed necessary or may direct the removal altogether or for a specified period, from the register of the name of the delinquent registered practitioner. Deletion from the Register shall be widely publicized in local press as well as in the publications of different Medical Associations/ Societies/Bodies."

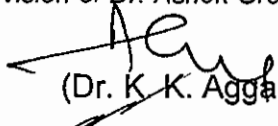
14. Appeal dated 06.03.2013 filed by Sh. P.K.Chauhan, Advocate, Laxmi Nagar Delhi against Order dated 13.07.2012 passed by Delhi Medical Council-reg.(F.No. 533/2012)

The Ethics Committee considered the appeal filed by Sh. P.K. Chauhan, Advocate, Laxmi Nagar Delhi against Order dated 13.07.2012 passed by Delhi Medical Council. The summary of complaint reads as under:-

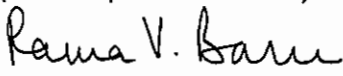
"patient Sh. Kailash Singh Chauhan was admitted in Pushpanjali Medical Centre due to lung infections on 18.08.2011. Patient was under the supervision of Dr. Ashok Grover, Dr.


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

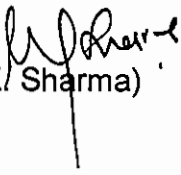

(Dr. K.K. Aggarwal)

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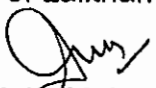

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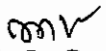

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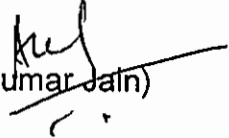

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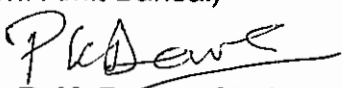
(Dr. Raj Kumar)

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(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

Manish and Dr. Vinay Aggarwal. Medical reports were normal on the day of admission on 18.08.2011. On 23.08.2011 patient felt acute pain and breathing problem around 9.30 am. Complainant called so many time to Dr. Ashok Grover telephonically and everytime he asked that he will reach within few minutes. Dr. Ashok Grover came in the hospital few minutes before the death of the patient i.e. at 1.30 p.m. and Other doctors of hospital did not take it seriously. Dr. Grover did not inform the attendants of the patient about the death and put the body on ventilator and finally declared dead on 2.30 pm. The hospital authorities did not allow them to take the body of the patient without submitting the outstanding payment of bills."

The Registrar, Delhi Medical Council vide its order dated 13.07.2012 held that:-

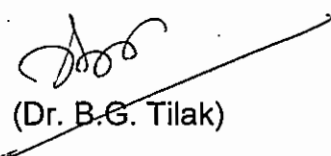
"prima-facie no medical negligence can be attributed on the part of doctors of Pushpanjali Medical Centre, Heart & Trauma Hopsital in the treatment administered to late Sh. Kailash Chauhan."

The Ethics Committee noted that both the parties i.e. Appellant, Sh. P. K. Chauhan and Respondents, Dr. Ashok Grover, Dr. Manish Kumar, Medical Superintendent and their Counsel Sh. Alok Kumar have appeared before the Ethics Committee for hearing.

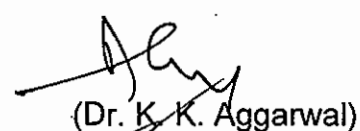
The Ethics Committee heard the deposition of both the parties in detail and perused the clinical case records of the hospital produced by the Respondents and observed that patient was in a serious condition at the time of admission and found no medical negligence on the part of Dr. Ashok Grover and his team. The Ethics Committee decided to uphold the decision of Delhi Medical Council. However, Committee observed that deficient services provided by Pushpanjali Medical Center by not having adequate trained Physicians for running 24 hours emergency services. The Ethics Committee directed MCI to send a letter to Directorate of Health Services, Govt. of Delhi to direct the Authorities of Pushpanjal Hospital registered under them for improving their services in future.

15. Appeal dated 11.03.2013 filed by Sh. Partha Sarathy Bhattacharjee, Kolkata against decision of West Bengal Medical Council dated 10.01.2013-reg.(F.No 541/2012)

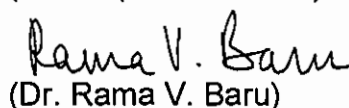
The Ethics Committee considered the appeal filed by Sh. Partha Sarathy Bhattacharjee, Kolkata against decision of West Bengal Medical Council dated 10.01.2013 and noted that the patient herself initially lodged a complaint in West Bengal Medical Council in 2009 and she died in the year 2011. The summary of the complaint are as under:-


(Dr. B.G. Tilak)

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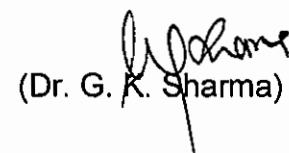

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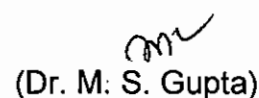

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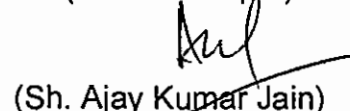

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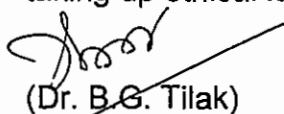
"“patient was admitted in Aurobindo Seva Kendra of Kolkata due to fracture in right femur. She was operated by Dr. Hom Choudhary on 29.02.2008 and remained in the hospital till 10.03.2008. During the stay patient developed bed sore at back but the doctors did not diagnose the bed sore and being discharged from the hospital, was attended by Dr. Amitava Chakraborty on 11.03.2008 and found bed sore, he extended the treatment but failed to heal. On 14.05.2008 she was admitted in New Union Nursing Home and she was treated there up to 22.05.2008 by Dr. Debal Sen. She was again admitted in the same nursing home on 30.07.2008 and was discharged on 09.08.2008. On 22.05.2009 patient herself lodged a complaint in the West Bengal Medical Council against Dr. Hom Choudhuri that Dr. Hom Choudhuri neglected the treatment of the patient and was liable for negligent conduct in professional respect. Patient appeared many times before the hearing of the West Bengal Medical Council and follow up her case. But she expired on 17.10.2011.”

The West Bengal Medical Council heard the deposition of patient late Mrs. Chitralka Bhattacharjee, herself and further vide its letter dated 10.01.2013 addressed to late Mrs. Chitralka Bhattacharjee informed that:-

“..refer to your letter dated 29.05.2009 to the President, West Bengal Medical Council regarding complaint against doctors of Sri Aurobindo Seva Kendra, this is to inform you that the Council at its extra-ordinary meeting dated 04.10.2012 considered the case and unanimously decided not to proceed further in this regard.”

The Ethics Committee noted that both the parties i.e. i.e. Appellant Sh. Partha Sarathy Bhattacharjee alongwith his Counsel and Respondents, Dr. Ramendu Hom Chaudhuri alongwith Counsel have appeared before the Ethics Committee for hearing.

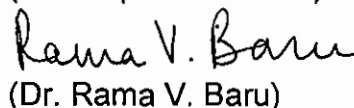
The Ethics Committee heard the deposition of both the parties in detail and on examining the records, the Committee noted that Dr. Ramendu Hom Chaudhuri, the operating surgeon made his submissions with the clinical records of the patient Mrs. Chitralka Bhattacharjee. The Ethics Committee perused the clinical records placed before them and noted that there was no bed sore on the day of discharge. After deliberation on the issue, the Ethics Committee found no medical negligence on the part of treating doctor, Dr. Ramendu Hom Chaudhuri. The Ethics Committee further directed MCI to write a letter to the West Bengal Medical Council to adopt proper procedure to uphold the principles of ethics while taking up ethical issues.


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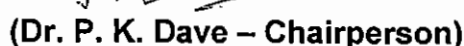
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(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

16.

- 1) Appeal dated 23.05.2013 filed by Smt. Sabiha Hamid against Order dated 29.04.2013 passed by Uttar Pradesh Medical Council-reg.(F.No. 558/2012).
2. Appeal dated 02.07.2013 filed by Dr. Yasmeen Khan against Order dated 29.04.2013 passed by Uttar Pradesh Medical Council.

The Ethics Committee considered the appeal filed by Smt. Sabiha Hamid against Order dated 29.04.2013 passed by Uttar Pradesh Medical Council. The summary of complaint reads as under:-

"complainant has admitted in Dr. M. Khan Hospital under the treatment of Dr. Yasmeen Khan for her delivery. It was her second pregnancy and she was operated by Dr. Yasmeen Khan and Dr. Mohd. Javed Khan. But after few days she started having problems."

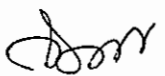
The Registrar, Uttar Pradesh Medical Council vide its order dated 29.04.2013 held that:-

".....Governing Body of Uttar Pradesh Medical Council discussed the matter at length and decided, keeping in mind, Professional conduct, Etiquette and Ethics Regulations – 2002 has to suspend the registration of Dr. Yasmeen Khan for SIX Months from 01.05.2013 to 31.10.2013 and her name to be struck off from the register of U.P. Medical Council. She will not be authorized to work as surgeon/physician/clinician during this period.."

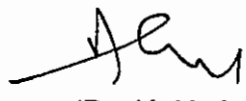
The Ethics Committee noted that both the parties i.e. Smt. Sabiha Hamid, Dr. Yasmeen Khan (treating doctor) and Dr. Mohd. Javed Khan have appeared before the Ethics Committee for hearing.

The Ethics Committee heard the deposition of both the parties in detail and after going through the clinical records and due deliberation on the issue, the Ethics Committee decided to uphold the decision of U. P. Medical Council. So, both the appeals mentioned below were disposed off :-

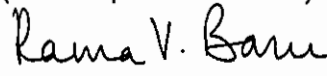
1. Appeal dated 23.05.2013 filed by Smt. Sabiha Hamid against Order dated 29.04.2013 passed by Uttar Pradesh Medical Council.
2. Appeal dated 02.07.2013 filed by Dr. Yasmeen Khan against Order dated 29.04.2013 passed by Uttar Pradesh Medical Council.


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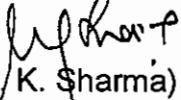

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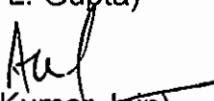

(Dr. N. K. Mohanty)

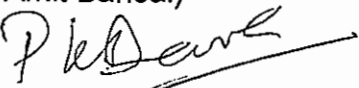
(Dr. Raj Kumar)

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(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

17. Complaint against Dr. Jilse George, Assoc. Professor, Co-operative Medical College, Kochi.(Gen./2013).

The Ethics Committee considered the complaint dated 16.04.2012 filed by Sh. G. Subhash, Kerala against Dr. Jilse George, Associate Professor at Co-operative Medical College, Kochi and noted the letter dated 02.08.2013 of the Complainant Sh. G. Subhash wherein he has shown his inability to attend the meeting of the Ethics Committee as he is 80 years old and cannot undertake a long journey and he has requested to excuse him for not appearing before the Committee. He has informed that he will abide by the decision taken by the MCI in this matter.

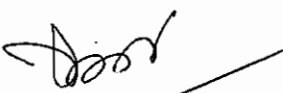
The Ethics Committee also considered the letter of Dr. Jilse George, Respondent wherein he informed that his father's condition is critical and he has requested for postponement of hearing for One month. Dr. P. G. Ramakrishna Pillai vide his letter dated 02.08.2013 assured the Council that he attend the MCI meeting on 23.08.2013 but he also did not appear before the Committee.

The Ethics Committee decided to give the final opportunity to Respondents, Dr. Jilse George and Dr. P.G. Ramakrishna Pillai to appear before the Ethics Committee for hearing failing which decision will be taken ex-parte on the basis of available records and material in the subsequent meeting.

18. Registration of FIR against Dr. Amrendra Kumar, Student of MS (Surgery) 2010 batch of PMCH, Patna.(Gen./2013).

The Ethics Committee considered a letter dated 08.05.2013 received from Suptd. of Police, CBI whereby he has informed that they had registered a FIR on the complaint received against Dr. Amrendra Kumar, Student of MS(Surgery), 2010 batch of PMCH, Patna. The Ethics Committee noted that Dr. Amrendra Kumar alongwith his advocate has appeared before the Ethics Committee for hearing.

Dr. Amrendra Kumar could not produce the relevant records pertaining to this case and he was asked to submit all the relevant documents including the Hall Ticket. The Ethics Committee after due deliberation decided to send letter to the Dean of PMCH Patna to withhold the result during the pendency of the complaint with the CBI and the final report by CBI may be submitted to the MCI for further action under Clause 7.5, MCI Ethics Regulations 2002.



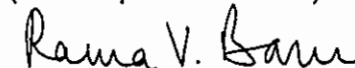
(Dr. B.G. Tilak)

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(Dr. K.K. Aggarwal)

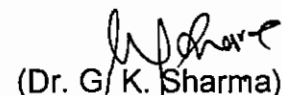
(Dr. Atul Sood)



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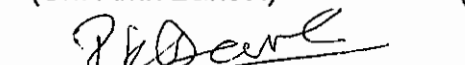
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)



(Dr. P. K. Dave – Chairperson)

19. Appeal dated 13.03.2013 filed by Sh. Satish Singh Bandikui, Distt. Dausa against Dr. Shipra Katta and Dr. Sunil Katta, Katta Hospital, Dausa, Rajasthan.(249/2012).

The Ethics Committee considered the appeal filed by Sh. Satish Singh Bandikui, Distt. Dausa against Dr. Shipra Katta and Dr. Sunil Katta, Katta Hospital, Dausa, Rajasthan and noted that Rajasthan Medical Council vide its order dated 07.01.2013 held that:-

"Smt. Neeta Devi was admitted at Katta Hospital on 01.07.2012 at about 12.00 pm for delivery. During the ARM the liquor was clear and there was no foetal distress, baby cried immediately after birth and APGAR Scores and 1 to 5 minutes were normal. The delivery was conducted by Dr. Shipra Katta in presence of well trained and experience Nurses. The patient's attendants were fully satisfied with the treatment provided at Katta Hospital.

Dr. Sunil Katta & Dr. Shipra Katta were recorded in their statements that Paediatrician charges of Rs. 300/- was wrongly printed in the cash memo (like Baby Short/Oxygen/Warmer Machine). In fact they have not charged Paediatric charges as they have no Paediatrician.

The Penal & Ethical Committee after going through the statements and relevant documents has opined that there was type mistake, so case may be closed."

In the previous meeting of the Ethics Committee, both the parties i.e. Appellant, Sh. Satish Singh Bandikui and Respondents, Dr. Shipra Katta and Dr. Sunil Katta, Katta Hospital, Dausa, Rajasthan have appeared before the Ethics Committee for hearing and the Committee decided to call both the parties again in todays meeting. The Committee also directed Dr. Shipra Katta and Dr. Sunil Katta, Dr. Vishnu Sharma, General Physician to come alongwith Nursing Staff who attended the delivery in the subsequent meeting and original medical records & qualification and experience certificates of Nursing staff.

The Ethics Committee noted that both the parties i.e. Appellant, Sh. Satish Singh Bandikui and Respondents, Dr. Shipra Katta and Dr. Sunil Katta of Katta Hospital appeared before the Ethics Committee for hearing and Dr. Vishnu Sharma sent his written submission, which was placed before the Ethics Committee.

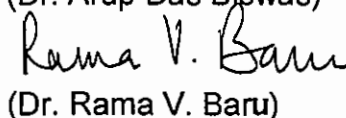
After going through all the records and available documents, the Ethics Committee observed that there was negligence on the part of Dr. Shipra Katta in conducting the delivery without taking proper care of new born in their hospital i.e. Katta Hospital. The Ethics Committee decided to issue a warning to Dr. Shipra Katta to be careful in future. The Committee also observed that the Rajasthan


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(Dr. K.K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

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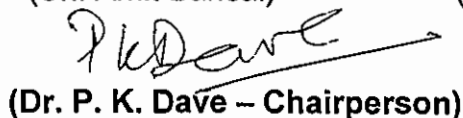
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(Dr. P. K. Dave – Chairperson)

Medical Council should have given the opportunity to the aggrieved Complainant Sh. Satish Singh Bandikui to listen his grievances.

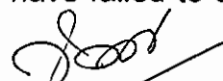
In this connection, the Ethics Committee directed to issue letters to Rajasthan Medical Council with a copy to Director Health Services, Govt. of Rajasthan, requesting them to issue advisory to the concerned hospital for providing adequate facilities to the patients in future.

20. Appeal dated 02.03.2013 filed by Md. Shahjahan Ali Talukdar against Dr. T. Raja, Dr. Gunavathi K.N. and Dr. Sangita-reg. (311/2011).

The Ethics Committee considered the appeal filed by Md. Shahjahan Ali Talukdar against Dr. T. Raja, Dr. Gunavathi K.N. and Dr. Sangita. The summary of complaint reads as under:-

"Son of Sh. Md. Shahjahan Ali Talukdar suffering from Acute Lymphoblastic Leukemia and admitted in January-2002 in Apollo Hospital, Chennai. After a long treatment of two years he discharged in 2004 and from 2004 to 2009 he regularly visited the Apollo Hospital, Chennai for check up once in three months. He was normal and fit at that period. He again visited the hospital in June 2009 for regular check up. He was again admitted in the hospital on 22.10.2009. After a blood examination doctors prescribed him "Omecetaxine Mepesuccinate 5 mg" tab and from 1.12.2009 he had administered injection Omecetaxine 2.5 mg twice in a day and because of that the patient situation became deteriorated. Father of patient asked many times from the doctors but they did not given the sufficient reply. After administered the injection, patient occurred multiple problems and again admitted on 14.12.2009 in the Emergency ward of the hospital. He said that on 31.12.2009, nurse gave transfusion on a very high temperature and because of that patient started shivering and difficulty in breathing. Dr. Sangita shifted the patient in CCU. On 01.01.2010, Dr. T. Raja came to see the patient. After that doctor informed him that patient had a lung infection and they performed dialysis on the patient. On 06.01.2010 at around 8 pm doctor informed that again dialysis would have to be done. And around 9.00 pm they informed that patient had expired."

The Ethics Committee noted that so many opportunities have been granted to Dr. T. Raja alongwith other doctors i.e. Dr. Gunavathi K. N. (Jr. Consultant) and Dr. Sangita(Jr. Consultant) of Apollo Specialty Hospital, Chennai to appear before the Ethics Committee for hearing alongwith all the medical records but they have failed to appear before the Committee. Final opportunity was granted in the


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K.K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

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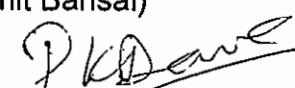
(Dr. Raj Kumar)

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(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

previous meeting of the Committee and noted that Advocate on behalf of Dr. T. Raja sought two weeks time since his client Dr. Raja has gone abroad. The Ethics Committee deliberated on the issue and decided to give last opportunity to the Respondents Dr. T. Raja otherwise the matter will be decided ex-parte.

The Ethics Committee also decided to give final opportunity to other two respondent doctors i.e. Dr. Gunavathi K. N. (Jr. Consultant) and Dr. Sangita(Jr. Consultant) of Apollo Specialty Hospital, Chennai to appear before the Ethics Committee for hearing in the next meeting with intimation to the appellant.

21. Appeal against Order dated 14.01.2013 passed by West Bengal Medical Council made by Sh. Syamal Bose against Dr. P. K. Pujari, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra - reg.(F.No. 601/2011)

The Ethics Committee considered the appeal filed by Sh. Syamal Bose against Order dated 14.01.2013 passed by West Bengal Medical Council and noted that West Bengal Medical Council vide its order dated 14.01.2013 held that:-

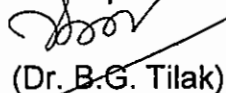
"After receipt of comments from Dr. Patra, Dr. Pujari, Dr. Bhattacharya and attested copies of BHT from Paramount Nursing Home, the case investigated by one of the Penal & Ethics Cases Committees of this Council, who took depositions from all concerned. After completion of investigation, the Committee submitted its report before the West Bengal Medical Council for consideration and decision.

The Council considered the case on 04.12.2012 and observed that the main complaint is that in spite of leucocytosis, the patient was operated, which led to death of complainants elder sister, the patient in question. She was an elderly person. If the operation was deferred, there were chances of further aggravation of infection, fat embolism and non-union. The count of 15000 per cubic mm is not a very grave sign in any kind of infection. Apart from that Meropenum, a very effective antibiotic was used in this case.

Hence, the council could not find any negligence on the part of the treating doctors and decided 'Not to proceed further' in this regard".

In the previous meeting, the Ethics Committee heard the deposition of Appellant and granted final opportunity to Dr. P. K. Pujari, Orthopaedic Surgeon, Dr. Ranjan Bhattacharjee and Dr. Asis Kumar Patra, of Paramount Nursing Home, Kolkata to appear before the Ethics Committee.

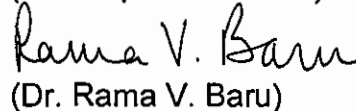
The Ethics Committee noted the representation of Dr. P. K. Pujari, Orthopaedic Surgeon, Dr. Ranjan Bhattacharjee Respondents. Dr. Asis Kumar Patra did not appear before the committee and nor he has submitted any representation. The Ethics Committee decided to defer the matter for the subsequent meeting for final decision.


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

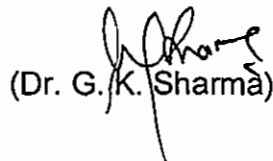

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

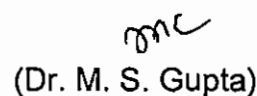

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

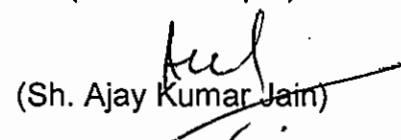
(Dr. N. K. Mohanty)

(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

22. Appeal dated 21.03.2013 filed by Sh. Sunil Kumar Chaurasia, Varanasi, UP against Order dated 21.01.2013 passed by U.P. Medical Council-reg.(F.No.180/2012)

The Ethics Committee considered the appeal dated 21.03.2013 filed by Sh. Sunil Kumar Chaurasia, Varanasi, UP against Order dated 21.01.2013 passed by U.P. Medical Council and noted that U. P. Medical Council vide its order dated 21.01.2013 held that:-

"the Ethical Committee observed that the Normally Cerebral Palsy is not related to Perinatal Asphyxia & Most Perinatal Asphyxia does not cause Cerebral Palsy.

The Ethical Committee is of the opinion that Dr. Kaveri Gupta cannot be held guilty of medical negligence."

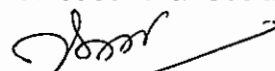
The Ethics Committee noted that Respondent, Dr. Kaveri Gupta has appeared before the Ethics Committee for hearing.

The Ethics Committee heard the deposition of Dr. Kaveri Gupta in details and baised on the clinical records presented before the Committee, the Ethics Committee found that there was no medical negligence on the part of Dr. Kaveri Gupta and upheld the decision of U. P. Medical Council. Accordingly, the appeal is disposed off.

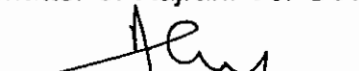
23. Appeal dated 18.03.2013 filed by Sh. Ajay Kuamr Kaushik, President, Men's Right Protection Forum against Dr. R.P. Khanduri, Health Centre, Sahaspur-reg.(F.No. 410/2012)

The Ethics Committee considered the appeal dated 18.03.2013 Sh. Ajay Kaushik, President, Men's Right Protection Forum against Dr. R. P. Khanduri, Health Centre, Sahaspur and noted that Respondent, Dr. R. P. Khanduri, Health Centre, Sahaspur have appeared before the Ethics Committee for hearing but Appellant, Sh. Ajay Kaushik, President, Men's Right Protection Forum did not appear before the Committee.

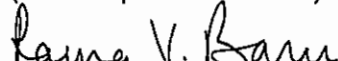
The Ethics Committee heard the deposition of Dr. R. P. Khanduri and observed that the failure of sterilization NSB is a known complication and thus, Committee found no negligence on the part of Dr. Khanduri. The Committee also discussed about the Supreme Court Judgement in the matter of Rajrani Vs. Govt.


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

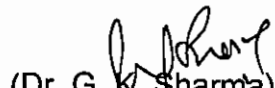

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

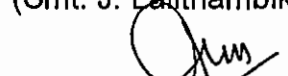

(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)


(Dr. G. K. Sharma)

(Dr. N. K. Sethi)


(Dr. N. K. Mohanty)

(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

of Haryana. The Ethics Committee perused the record and decided that a warning issued by Utrakhand Medical Council is set aside and he may be exonerated. Accordingly, appeal is disposed off.

24. Appeal dated 05.04.2013 filed by Sh. Mohan Lal Sain against Tongia Heart & General Hospital, Jaipur-reg.(F.No. 10/2013)

The Ethics Committee considered the appeal dated 05.04.2013 filed by Sh. Mohan Lal Sain against Order dated 07.01.2013 passed by Rajasthan Medical Council and noted that both the Appellant have submitted their statement in the previous meeting of the Committee.

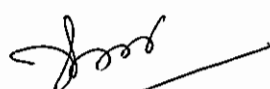
The Ethics Committee further noted that Dr. Vikram Goyal. Dr. Prakash Chandwani, Dr. Alok Mathur and Dr. Rakesh Chitora of Tongia Heart & General Hospital, Jaipur have appeared before the Committee for hearing.

The Ethics Committee heard the deposition of all in detail and perused the clinical record of the patient and after due deliberation, the Ethics Committee decided to uphold the decision of Rajasthan Medical Council. Accordingly, appeal is disposed off.

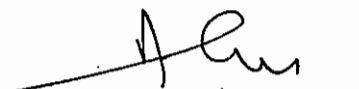
25. RC 34(A)/2010 of CBI, ACB, Chennai-Medical Council of India-case-Charge sheet (against Shri M.K. Rajagopalan, Chairman, Sri Balaji Educational & Charitable Public Trust, Chennai and Dr. D.R.Gunasekaran, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry.

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 following doctors appeared before the Ethics Committee and were examined by the Committee:-

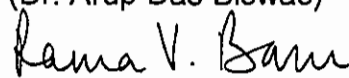
The Ethics Committee deliberated the issue in detail and makes the following recommendations:-


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

(Dr. N. K. Mohanty)

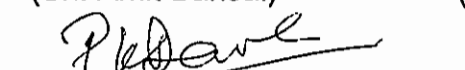
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

- 1) The Ethics Committee was apprised of the decision by the Court of Additional Chief Metropolitan Magistrate, Egmore, Chennai vide CrI. M.P. No. 804/2012, & CrI. M.P. No. 805/2012 in C.C. No. 2411/2012 issued on 17.04.2013, and it was noted that the court has not restrained MCI from proceeding against (1) Mr. M. K. Rajagopalan & (2) Dr. D. R. Gunasekhar for violation of MCI Act.
- 2) Fresh admissions should be stopped in Sri Sathya Sai Medical College & Research Institute from the academic year 2014-15 without affecting the prospect of the existing students. The college should appoint sufficient faculty members as per MCI norms for the existing students.

3) **(a) Mr. M. K. Rajagopalan, Chairman:-**

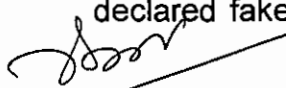
The Ethics Committee was of the opinion that since Mr. M. K. Rajagopalan, Chairman, Sri Balaji Education & Charitable Trust of Chennai is not a medical doctor, no action can be initiated by MCI against him. However, he has flouted the rules and regulations of the MCI in order to benefit his institutions. The renewal of permission to Sri Sathya Sai Medical College & Research Institute may be stopped by the MCI and the fresh admission should be stopped from the academic year 2014-2015 without affecting the prospects of the existing students. The college should appoint sufficient faculty members as per norms of the MCI for the existing students.

(B) Dr. D.R. Gunasekaran, Vice Chancellor:-

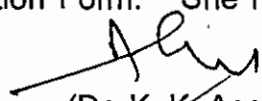
The Ethics Committee decided to remove the name of **Dr. D.R. Gunasekaran**, Vice Chancellor, Sri Balaji Vidyapeeth, Deemed University, Pondicherry from Indian Medical Register for a period of **FIVE YEARS**.

(C) Dr. Vasantha N. Subbiah, Dean:-

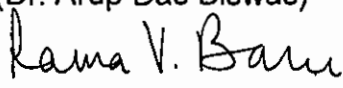
Dr. Vasantha N. Subbiah, Dean stated before the Ethics Committee that she has been appointed as Professor in January-2009. She was orally directed to look after the Dean's work till they get a suitable person for that post. She was looking only the academic activities. She was never involved in the administration of college & Hospital as well as she was never allowed to interact with the MCI Officials during the inspection. She further stated that she never signed any Declaration Form of any teaching faculty. The signature has been verified by the CBI and they have also declared fake signature of Dean on the Declaration Form. She has also

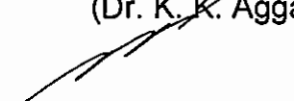

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

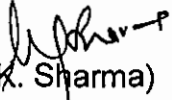

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

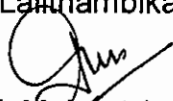

(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

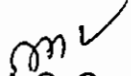

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

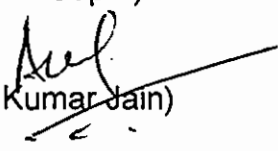

(Dr. N. K. Mohanty)

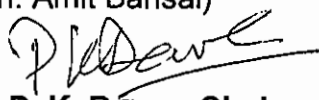
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

submitted her appointment letter issued by Shri Sathya Sai Medical College & Research Institute as a Professor in OBG.

After going through all the records and the statement, the Ethics Committee is of the opinion that Dr. Vasantha N. Subbiah has joined as a regular employee of the above college and, therefore, she has not violated any MCI Ethics Regulations. Accordingly, the case against her is disposed off.

- 4) Following doctors have been found not to have violated the Ethics Regulations and the Ethics Committee decided to exonerate the following doctors:-

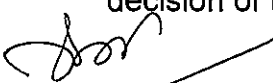
1.	Dr. S. Raghu Ramulu	Disposed Off
2.	Dr. Nidhi Agarwal	Disposed Off
3.	Dr. M. Padmasree	Disposed Off
4.	Dr. v. Suresh	Disposed Off
5.	Dr. M. Senthil	Disposed Off
6.	Dr. K. Krishna Kumar	Disposed Off

4(a) **Dr. Nilima Prakashrao Patil**

Dr. Nilima Prakashrao Patil appeared in person and submitted that she joined the college on 17.11.2008 and was relieved on 04.07.2010. During this period, she worked on a regular basis with the college and regularly signed the attendance register. She received salary for this period after deduction of tax. She was present for the MCI inspection held in May 2009. She stated that she was present on the day of Inspection on Feb.2010 but she was not called for head counting and she had not signed the Declaration Form. The Council

After going through all the records and the statement recorded, the Ethics Committee is of the opinion that she has been a regular employee of the above college but she submitted that she has not signed the Declaration Form; therefore, the Ethics Committee suggested that the signature on the Declaration Form needed to be verified from the college authorities. A letter in this regard be sent to college authority at the earliest.

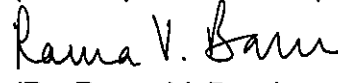
5. a) The following faculty attended the meeting of the Ethics Committee and after due deliberation, the Committee decided to punish them and the decision of the Committee reads as under:-


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

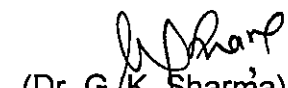

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

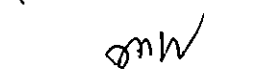

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

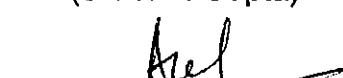
(Dr. N. K. Mohanty)

(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

1. Dr. U. K. Singh

Dr. U. K. Singh appeared in person and submitted that he joined the college in May 2008 on the oral instructions of Dean Dr. D. R. Gunasekarana but could not remember the exact date of joining. He was relieved from there in September 2008. He submitted that he went back to MGMC &RI, Pondicherry on oral instructions and he complied with the instructions. He admitted that he was present for the MCI inspection held in May 2008, September – 2008 but in the inspection of May-2009, he was not present in the college. He also stated that he had not signed the Declaration Form of 2009-2010. He has not submitted the form 16.

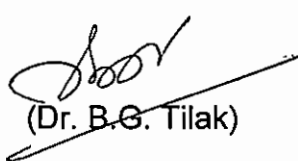
After going through all the records and the statement recorded, the Ethics Committee is of the opinion that a warning letter be issued to Dr. U. K. Singh.

2. Dr. Mridul Gogoi

Dr. Mridul Gogoi appeared in person and submitted that he joined the college on 15.12.2007 in the department of Forensic Medicine and was relieved on 29.09.2010. He stated that he was not given any appointment letter but on the date of hearing Mr. Rabisaran has given the appointment letter and other enclosures. During this period, he worked on a regular basis with the college and regularly signed the attendance register. He received emoluments from April-2009 to March-2010. He was present for the two MCI inspections held in May-2008 and February-2010. He accepts his signatures on the Declaration Form of 2010 but denied the signatures on the Declaration Form of 2008. He has not submitted any his attendance record and stated that he does not remember the days he attended the college. He has also not taken any class. He admitted of wrong doing on his part.

After going through all the records and the statement recorded, the Ethics Committee is of the opinion that a warning letter be issued to Dr. Mridul Gogoi.

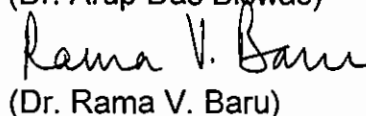
3. Dr. M. Raj Kumar


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

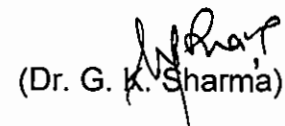

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)


(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

(Dr. N. K. Mohanty)

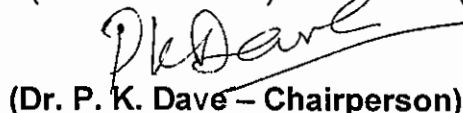
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

Dr. M. Raj Kumar was represented by his advocate and the Committee refused to hear him. He assured the presence of Dr. M. Raj Kumar in the subsequent meeting of the Committee.

4. Dr. V. A. Gunasekaran

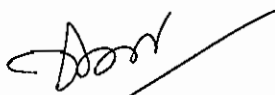
Dr. V. A. Gunasekaran appeared with his Advocate Mr. A. Ganesh. He has completely denied that he appeared for any of the MCI inspection. He stated that through out he has been in the employment of Chennai Port Trust. He has also denied the signatures on the Declaration Forms stating that the same have been forged by the college authorities. He stated that his personal details such as PAN Card etc. were provided to the college by his colleague at Chennai Port Trust in an unauthorized manner. He denied that he received any salary or TDS certificates from the college.

The Ethics Committee was of the opinion that the name of Dr. V. A. Gunasekaran be removed from the Indian Medical Register for a period of **Two Years**. This matter is to be reported to the competent authority i.e. Chennai Port Trust.

5. Dr. S. Palaniaappan

Dr. S. Palaniaappan appeared in person and submitted that he joined the college on 16.02.2010 on the date of MCI Inspection and worked there only for three months but the appointment letter/order issued to him was shown dated 10.11.2009. He received salary for this. He was present for the MCI inspection held in February-2010. After inspection Dr. D. R. Gunasekaran, VC told him that he will be informed later the possible date of reporting as a faculty in the medical college but it never happened and finally he decided to resign from the college. He was relieved on 09.05.2010. He accepts his signatures on the Declaration Form.

After going through all the records and the statement recorded, the Ethics Committee is of the opinion that the name of Dr. S. Palaniaappan be removed from the Indian Medical Register for a period of **Two Years**.


(Dr. B.G. Tilak)

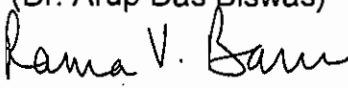
(Dr. Atul Sood)

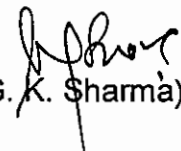
(Smt. J. Lalithambika)

(Dr. N. K. Mohanty)

(Dr. M. S. Gupta)

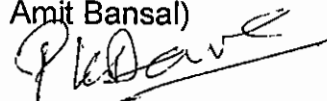
(Dr. Arup Das Biswas)

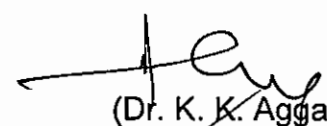

(Dr. Rama V. Baru)


(Dr. G. K. Sharma)

(Dr. Raj Kumar)

(Sh. Amit Bansal)

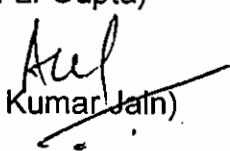

(Dr. P. K. Dave – Chairperson)


(Dr. K. K. Aggarwal)

(Dr. Sangeeta B. Desai)

(Dr. N. K. Sethi)

(Dr. J. L. Gupta)


(Sh. Ajay Kumar Jain)

6. Dr. D. Sarvanan

Dr. D. Sarvanan appeared with his Advocate Mr. A. Ganesh. He has completely denied that he appeared for any of the MCI inspection. He stated that through out he has been in the employment of Chennai Port Trust. He has also denied the signatures on the Declaration Forms stating that the same have been forged by the college authorities. He stated that his personal details such as PAN Card etc. were provided to the college by his colleague at Chennai Port Trust in an unauthorized manner. He denied that he received any salary or TDS certificates from the college.

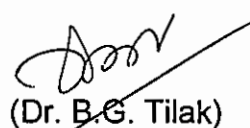
The Ethics Committee is of the opinion that the name of Dr. D. Sarvanan be removed from the Indian Medical Register for a period of **Two Years**. This matter is to be reported to the competent authority i.e. Chennai Port Trust.

8. Dr. M. Ramamurthi

Dr. M. Ramamurthi appeared in person and submitted that college authorities both the times i.e. in 2009 & 2010, called him to join the college but they did not offer him permanent post. He admitted that he attended both the MCI Inspections. He accepts his signatures on the Declaration Form. He further stated that he has not received any salary nor has any form 16 under IT Act 1961 been issued to him.

After going through all the records and the statement submitted by him, the Ethics Committee is of the opinion that the name of Dr. M. Ramamurthi be removed from the Indian Medical Register for a period of **Two Years**.

- 5(b) The Ethics Committee directed that the remaining doctors who did not appear today, be given one final opportunity to present before the Committee in the subsequent meeting, failing which decision will be taken an ex-parte.
- 6) Govt. of India, Ministry of Shipping may be addressed to take stern disciplinary action against the doctors working at Chennai Port Trust who have taken part in the fraudulent conspiracy.


(Dr. B.G. Tilak)

(Dr. Atul Sood)

(Smt. J. Lalithambika)

(Dr. N. K. Mohanty)

(Dr. M. S. Gupta)

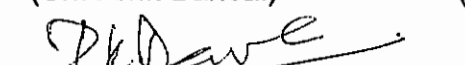
(Dr. Arup Das Biswas)


(Dr. Rama V. Baru)

(Dr. G. K. Sharma)

(Dr. Raj Kumar)

(Sh. Amit Bansal)


(Dr. P. K. Dave – Chairperson)


(Dr. K. K. Aggarwal)

(Dr. Sangeeta B. Desai)

(Dr. N. K. Sethi)

(Dr. J. L. Gupta)

(Sh. Ajay Kumar Jain)

26. 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.

This item will be taken up alongwith similar Item No. 27 in the Agenda.

27. Appeal dated 31.01.2013 filed by Dr. Jeevan Pereira against Order dated 17.01.2013 passed by Karnataka Medical Council - reg.

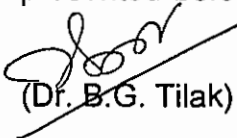
The Ethics Committee considered the appeal filed by Dr. Jeevan Pereira against Order dated 17.01.2013 passed by Karnataka Medical Council and noted that Karnataka Medical Council vide its order dated 17.01.2013 held that:-

"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. 17th January-2013 under the provisions of Karnataka Medical Registration Act No. 34 of 1961"

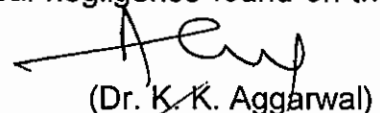
The Ethics Committee noted that the Appellant, Sh. B. P. Suresh Kumar, Dr. Jeevan Pereira, and Dr. Sanjay Pai, Consultant Orthopaedic Surgeon, Dr. Rajani Bhat, Consultant Pulmonologist, Dr. Ravindran, Assistant Surgeon and Administrator of Fortis Hospital, Bangalore were presented before the Committee. On the request of Dr. Jeevan Pereira and Mr. Rohit Puri, Counsel for Dr. Sanjay Pai & others, the Ethics Committee granted time to them for hearing.

The Ethics Committee further noted that Appellant, Sh. B. P. Suresh Kumar alongwith his Counsel, Dr. Jeevan Pereira, and Dr. Sanjay Pai, Consultant Orthopaedic Surgeon, Dr. Rajani Bhat, Consultant Pulmonologist and Counsel Sh. C. V. Nagesh on behalf of Administrator of Fortis Hospital, Bangalore have appeared before the Committee for hearing.

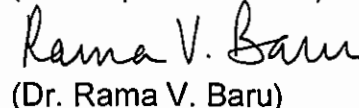
The Ethics Committee heard the deposition of both the parties in detail. Sh. B. P. Suresh Kumar made his submission that none of the risk factors were assessed before the surgery of the patient. Dr. Sanjay Pai and Dr. Jeevan Pereira and Dr. Rajani Bhatt also made submission before the Committee. The Ethics Committee deliberated on the issue and after considering all the clinical records presented before it, observed that there was no medical negligence found on the


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

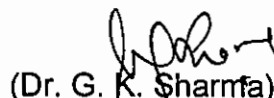

(Dr. K.K. Aggarwal)

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(Dr. Rama V. Baru)


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(Dr. N. K. Mohanty)

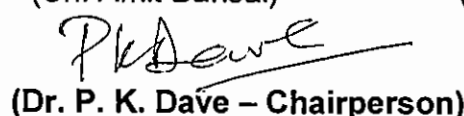
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

part of the treating doctors Dr. Sanjay Pai and his team. The Ethics Committee decided to set aside the decision of Karnataka Medical Council against Dr. Jeevan Pereira. However, the Committee observed there was deficient service rendered by Dr. Rajani Bhat for not paying sufficient attention to the patient complaint and decided to issue a warning to Dr. Rajani Bhatt to be careful in future as per the Clause 2.4, 7.1 and 8.2 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which are as under:-

"2.4 The Patient must not be neglected: A physician is free to choose whom he will serve. He should, however, respond to any request for his assistance in an emergency. Once having undertaken a case, the physician should not neglect the patient, nor should he withdraw from the case without giving adequate notice to the patient and his family. Provisionally or fully registered medical practitioner shall not willfully commit an act of negligence that may deprive his patient or patients from necessary medical care.

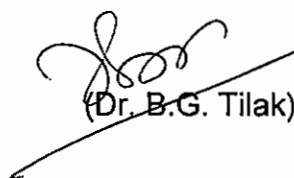
7.1 Violation of the Regulations: If he/she commits any violation of these Regulations.

8.2 It is made clear that any complaint with regard to professional misconduct can be brought before the appropriate Medical Council for Disciplinary action. Upon receipt of any complaint of professional misconduct, the appropriate Medical Council would hold an enquiry and give opportunity to the registered medical practitioner to be heard in person or by pleader. If the medical practitioner is found to be guilty of committing professional misconduct, the appropriate Medical Council may award such punishment as deemed necessary or may direct the removal altogether or for a specified period, from the register of the name of the delinquent registered practitioner. Deletion from the Register shall be widely publicized in local press as well as in the publications of different Medical Associations/ Societies/Bodies."

The Ethics Committee noted that the submission made by Advocate R. Ravindran representing Dr. Deepak and observed that the Ethics Committee, is being a quasi judicial body, is fully empowered to summon the management for the deficient services rendered to the patients on the treatment in their hospitals. The Ethics Committee directed MCI to issue a communication expressing the displeasure of the Committee and decided to summon Dr. Deepak and Administrator of Fortis Hospital, Bangalore.

28. 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 and noted that both the parties i.e. Appellant, Sh. Dhruba Bora and Respondents doctors Dr. Dhani Ram Baruah did not appear before the Committee for hearing.


(Dr. B.G. Tilak)

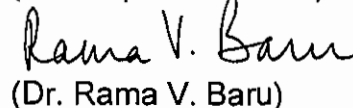
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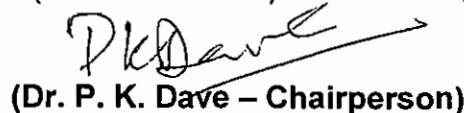
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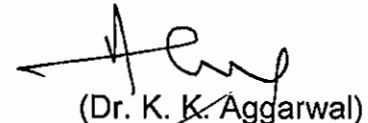

(Dr. Rama V. Baru)

(Dr. G. K. Sharma)

(Dr. Raj Kumar)

(Sh. Amit Bansal)


(Dr. P. K. Dave – Chairperson)


(Dr. K. K. Aggarwal)

(Dr. Sangeeta B. Desai)

(Dr. N. K. Sethi)

(Dr. J. L. Gupta)

(Sh. Ajay Kumar Jain)

In the previous meeting, the Ethics Committee granted final opportunity to the Respondent, Dr. Dhani Ram Baruah as well as Appellant, Sh. Dhruva Bora to appear before the Committee and noted that both the parties appeared today for hearing.

The Ethics Committee heard the deposition of Dr. Dhani Ram Baruah and showed his qualification certificate and registration certificate. He also submitted his publications on the genetic engineering for the library of MCI.

He tendered un-conditional apology for the comment which he made to the Assam Medical Council Challenging the very basic principles of MCI and its role. The Ethics Committee noted his apology and disposed off the matter.

29. Order dt. 25.03.2013 passed by Hon'ble High Court of Andhra Pradesh in W.P. No. 16305/2007 filed by Dr. L. Sudhakar -Vs.- Medical Council of India & Others - Reconsider the appeal against the order passed by the Andhra Pradesh Medical Council on the complaint made by Dr. K. Srikar Reddy, Third Secretary in Embassy of India, Berlin with regard to death of M's. Srilatha Reddy- reg.(F.No. 133/2004)

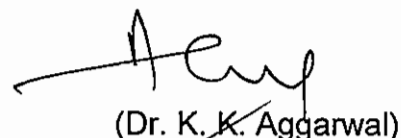
The Ethics Committee considered the Order dated 25.03.2013 passed by Hon'ble High Court of Andhra Pradesh in W.P. No. 16305/2007 filed by Dr. L. Sudhakar -Vs.- Medical Council of India & Others wherein Hon'ble Court has directed the MCI to reconsider the appeal against the order passed by the Andhra Pradesh Medical Council on the complaint made by Dr. K. Srikar Reddy, Third Secretary in Embassy of India, Berlin with regard to death of Mrs. Srilatha Reddy.

After scrutiny of the documents, it is noted that the above said matter has been considered by the Ethics Committee at its meeting dated 19th & 20th January, 2006 wherein the Committee decided as under:-

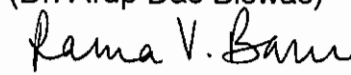
"The Ethics Committee considered the appeal against the Order passed by Andhra Pradesh Medical Council in the complaint made by Dr. K. Srikar Reddy, Third Secretary in Embassy of India, Berlin, and after perusal of the records available and deposition of specialists mentioned in the complaints and also the experts (Gynaecologists and Anaesthesiasts) whose opinion was sought by the Ethics Committee of MCI along with all other relevant papers, documents, files, including the documents provided by Andhra Pradesh Medical Council as well as the explanations submitted by the respective parties, which were placed before the Ethics Committee, the Ethics Committee deliberated and discussed all these in detail and came to the unanimous opinion that -

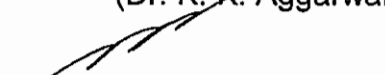

(Dr. B. G. Tilak)

(Dr. Arup Das Biswas)

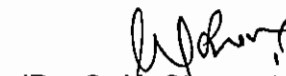

(Dr. K. K. Aggarwal)

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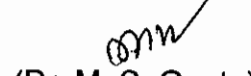

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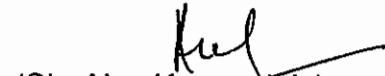

(Dr. N. K. Mohanty)

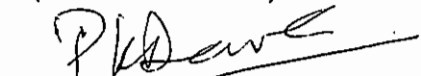
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave - Chairperson)

- (a) Dr. L. Sudhakar, Anesthetist is found to be guilty so far as the professional negligence is concerned in the instant case. Therefore, taking this into account, the Ethics Committee of MCI recommends that his name be struck off from the Indian Medical Register for a period of 3 months.
- (b) Negligence could not be substantiated against Dr. P. Malhi, Gynaecologist, however, she may be cautioned to be very careful in the future in treating serious patients.
- (c) With regard to the deficiencies of the equipment and monitoring of the critically ill patients in the Nursing Home, the matter may be brought to the notice of DHS, Andhra Pradesh for taking necessary action under the Clinical Establishment Act. This may be placed before the Executive Committee & General Body of the Council for their approval."

After detailed deliberation, the Ethics Committee decided to call both the parties as per the directions of Hon'ble Court.

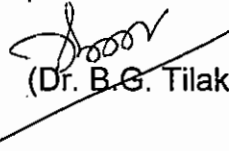
30. Appeal dated 27.10.2011 filed by Dr. Vipul Shah against Order dated 14.10.2011 passed by U. P. Medical Council & Appeal dated 18.11.2011 filed by Sh. Sudhir Kumar Shrivastava against the same order dated 14.10.2011 of U.P. Medical Council - reg.(F.No.272/2011).

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 were appeared before the Ethics Committee and submitted their statements.

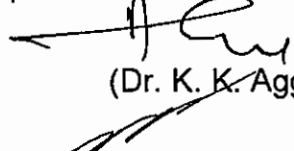
As per directions of the Ethics Committee, the Council Office sent the matter to Sh. Amit Kumar, Retainer Advocate for his expert opinion and he has submitted legal opinion which was considered by the Ethics Committee and the Ethics Committee decided to accept the appeal and accordingly directed to call both the parties i.e. Appellant, Sh. Sudhir Kumar Shrivastav and Respondent, Dr. Vipul Shah for hearing in the subsequent meeting.

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

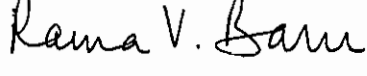
The Ethics Committee considered the complaint filed by Sh. Vimal Mehra against Dr. Raj Kumar Batra and after examining the complaint and the attached documents, the Ethics Committee noted the Complainant, Sh. Vimal Mehra was present in the previous meeting and submitted his deposition. But, Dr. Raj Kumar

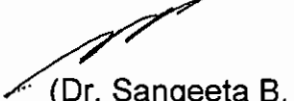

(Dr. B.G. Tilak)

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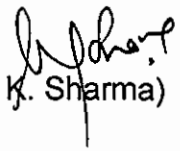

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

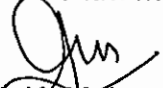

(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

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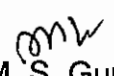

(Dr. G. K. Sharma)

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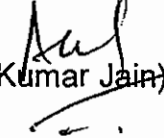

(Dr. N. K. Mohanty)

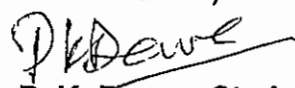
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

Batra were represented by his son Mr. Shubham Batra. The Committee granted him final opportunity to present himself before the committee.

The Ethics Committee noted that Dr. Raj Kumar Batra have appeared today for hearing and the Committee asked Dr. Raj Kumar Batra to submit the relevant documents in support of his claim that he has not received any hospitality/money from the Pharma Companies. He was directed to furnish authenticated documents within 5 days. The matter to be taken up in the subsequent meeting.

32. Current regulatory requirements for conduct of clinical research in the country – regarding.

The Ethics Committee considered the letter dated 25.06.2013 received from Dr. Sita Naik, Advisor to the Chairman, Task Force for Research, Apollo Hospital and Educational and Research Foundation, New Delhi with regard to regulatory requirements for conduct of clinical research in the country. After detailed deliberation, the Ethics Committee noted the above matter.

33. VIP Reference- Letter from Smt. Navjot Kaur Sidhu, Chief Parliamentary Secretary, Chandigarh regarding proper implementation of the order on prescribing generic drugs

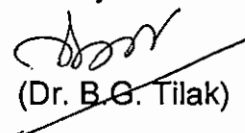
The Ethics Committee considered the letter dated 06.06.2013 received from Smt. Navjot Kaur Sidhu, Chief Parliamentary Secretary, Chandigarh regarding proper implementation of the order on prescribing generic drugs. After detailed deliberation, the Ethics Committee has noted that it was deliberated before at Agenda Item No. 8.

34. Complaint/intimation received of Sh. Surender Ram – Reg.

The Ethics Committee decided to defer the above matter due to paucity of time.

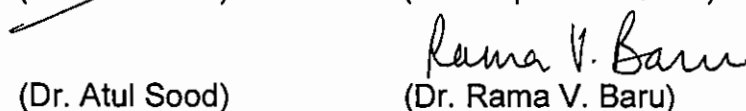
35. Heart ailments- Exploitation of patients by squeezing exaggerated amounts for the implantation of stents – regarding.

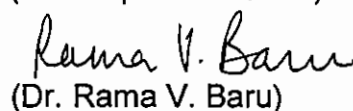
The Ethics Committee considered the letter dated 04.02.2013 of Shri G. Ronald Raju, Advocate, High Court of Andhra Pradesh and the Drugs Controller General (India) letter dated 01.05.2013 for appropriate action forwarded by Sh. Sudhir Kumar, Under Secretary to the Government of India, Ministry of Health & Family Welfare (DFQC Section), Nirman Bhawan, New Delhi vide dated


(Dr. B. G. Tilak)

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(Smt. J. Lalithambika)

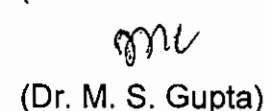

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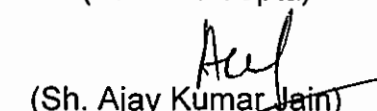

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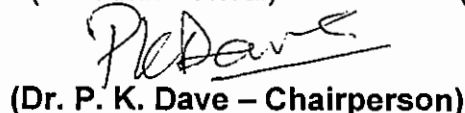
(Dr. Raj Kumar)

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(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

20.05.2013. After detailed deliberation, the Ethics Committee decided to study the matter by a Sub-Committee comprising of Dr. K. K. Aggarwal (Convenor), Dr. B. G. Tilak, Dr. Arup Das Biswas and Dr. Raj Kumar.

The matter will be discussed in the subsequent meeting.

36. 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.

The Ethics Committee decided to defer the matter for the next meeting due to paucity of time.

37. Regarding the publicity of secrecy in the Newspaper without consent-reg.

The Ethics Committee considered a letter received from Sh. Jamuna Singh, Udaipur. After detailed deliberation, the Ethics Committee decided to call both the parties and a Show-Cause Notice to be issued to Dr. Tarun Aggarwal for violation of Clause 7.1, 7.2, 7.14 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which are as under:-

"7.1 Violation of the Regulations: If he/she commits any violation of these Regulations.

7.2 If he/she does not maintain the medical records of his/her indoor patients for a period of three years as per regulation 1.3 and refuses to provide the same within 72 hours when the patient or his/her authorised representative makes a request for it as per the regulation 1.3.2.

7.14 The registered medical practitioner shall not disclose the secrets of a patient that have been learnt in the exercise of his / her profession except –

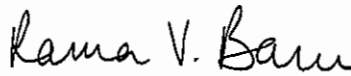
1. in a court of law under orders of the Presiding Judge;
2. in circumstances where there is a serious and identified risk to a specific person and / or community; and
3. notifiable diseases.

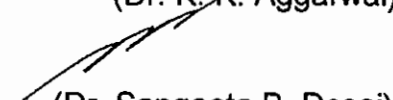

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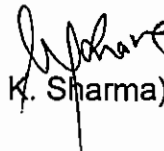

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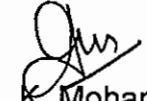

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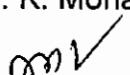

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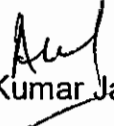

(Dr. N. K. Mohanty)

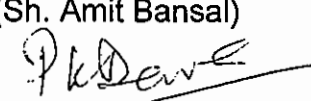
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

In case of communicable / notifiable diseases, concerned public health authorities should be informed immediately."

The Ethics Committee directed to call Dr. Tarun Aggarwal of R. K. Hospital and Test Tube Baby Centre, Udaipur to appear and explain before the Committee on 05.09.2013 at 04.00 pm, as to why, disciplinary action will not be taken against them for violation of above mentioned Clause

38. 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.

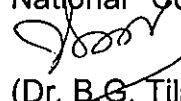
The Ethics Committee considered the letter dated 02.02.2013 received from Dr. Gaurav Aggarwal, Director, Pushpanjali Medical Centre Heart & Trauma Hospital, Delhi with regard to Complaint against Dr. Surender Pratap Singh working in Pushpanjali Medical Centre under Dr. Vinay Kumar Aggarwal as alleged by Dr. Pankaj Singhal, Dr. M.C. Gupta & Dr. Babu K.V. The said matter was considered by the Ethics Committee at its meeting held on 20.11.2012 and decided as under:-

"The Ethics Committee agreed with the decision of Delhi Medical Council which had issued warning to Dr. Vinay Agarwal of Pushpanjali Medical Centre for employing Mr. Surinder Pratap Singh, possessing only provisional registration, Dr. Vinay Aggarwal must ensure only those people with required qualification, experience and valid registration are employed."

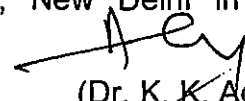
After detailed deliberation, the Ethics Committee decided to defer the matter for the next meeting and the matter referred to one of the member of the Ethics Committee for his expert opinion.

39. Order dated 07.05.2013 delivered by the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.4023/2011 – Goyal Hospital & Research Centre Pvt. Ltd. & Ors. – Vs. – Kishan Gopal Shukla & Anr.

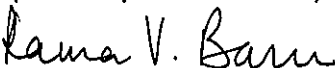
The Ethics Committee considered a letter dated 17.05.2013 received from Hon'ble National Consumer Dispute Redressal Commission, New Delhi whereby they have forwarded a certified copy of Order dated 07.05.2013 passed by Hon'ble National Consumer Dispute Redressal Commission, New Delhi in Revision

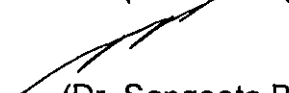

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

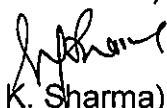

(Dr. K.K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)


(Dr. G.K. Sharma)

(Dr. N. K. Sethi)


(Dr. N.K. Mohanty)

(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

Petition No.4023/2011 – Goyal Hospital & Research Centre Pvt. Ltd. & Ors. – Vs. – Kishan Gopal Shukla & Anr. After detailed deliberation, the Ethics Committee decided to form a Sub Committee of the following members:-

1. Prof. M. S. Gupta (Convenor)
2. Dr. Rama V. Baru
3. Dr. Raj Kumar
4. Dr. K. K. Aggarwal

The above Sub-Committee to study the case and submit the report for discussion in the subsequent meeting.

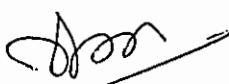
40. Appeal dated 28.06.2013 filed by Dr. Ivan Martin Rocha against Order dated 25.04.2013 passed by Maharashtra Medical Council - reg.

The Ethics Committee considered the appeal dated 28.06.2013 filed by Dr. Ivan Martin Rocha against Order dated 25.04.2013 passed by Maharashtra Medical Council and noted that the Maharashtra Medical Council received a copy of the Charges framed on 06.06.2012 in Criminal Case No. 4200129/SW/2011 by the Metropolitan Magistrate, Dadar, Mumbai for violation various provisions of PCPNDT Act. The Executive Committee of the Maharashtra Medical Council vide its Order dated 25.04.2013 held that:-

"..... It is noted that the charges have been framed against you in Criminal Case No. RCC4200129/SW/2011 on 06.06.2012 for contravening the provisions of Sec. 23 r/w 3A & 6 PCPNDT Act, Sec. 4 & breach of various rules under Rules 9 (i), (ii), (iii), (iv) x (i), (i-A), 17(i), 18(1)(3)(5) of PCPNDT Rules etc. of PCPNDT Act.

It has been resolved by the Council on 20.04.2013 that there are sufficient materials/allegations against you to suspend your Registration under Section 23(2) of PCPNDT Act, 2003 as amended up to date and thus your Registration No. 73083 with the Maharashtra Medical Council is hereby suspended for the period of five years from 20.04.2013 and or till the final decision of the said Criminal Case whichever is earlier and you are refrained from Medical practice and / or profession of any nature during the period of suspension. If you do any kind of medical practice during the suspension period further suitable action will be taken against you as per law."

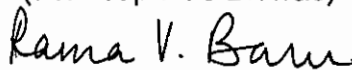
After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and decided to call Appellant, Dr. Ivan Martin Rocha for hearing with all the medical records and supportive documents available with them in the subsequent meeting.


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

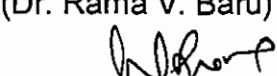

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

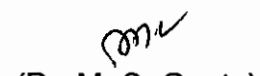

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)


(Dr. N. K. Mohanty)

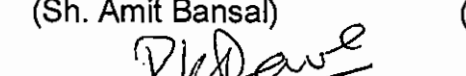
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

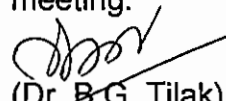
41. Appeal dated 23.04.2013 filed by Smt. Usri Roy against Dr. Sanmoy Ganguly, Kolkata - reg.

The Ethics Committee considered the appeal dated 23.04.2013 filed by Smt. Usri Roy against Dr. Sanmoy Ganguly, Kolkata and noted that the complainant Smt. Usri Roy initially filed the complaint dated 03.09.2012 in the West Bengal Medical Council regarding professional misconduct and medical negligence against Dr. Sanmoy Ganguly but the West Bengal Medical Council failed to conclude the matter within the stipulated time period of six months and hence, the matter is taken up by this Council. The summary of the complaint are as under:-

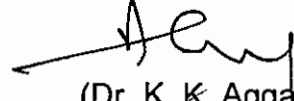
"Father of Smt. Usri Roy was suffering with CA Prostate and Bone Metastasis and initially treated by Dr. Bibaswan Ghosh in October 2009 then he shifted under the care of Oncologist Dr. Sanmay Ganguly in November 2009. Dr. Sanmay Ganguly initially administered 20 rays in his spinal cord and because of that PSA level of patient decreased from 837 to 21.09. He has administered 35 more rays directly to prostate bed from 08.02.2010 to 06.04.2010 and after that patient started suffering from bleeding, anemia and severe pain. After that Dr. Sanmay Ganguly diagnosed Hormone Refractory and prescribed chemotherapy. At that time PSA of patient was 62 and he was suffering from severe back ache and neck pain. Dr. Sanmay Ganguly administered again 10 rays to his neck and after that started chemotherapy. Then he prescribed 6 courses of Docetaxel. After that PSA count was 19.48 on 27.06.2011. Then he started oral chemotherapy from September to October- 2011. During that period patient often complained of pain in stomach. After four course, PSA Count dropped to 3.95.

In January 2012 he again prescribed two courses of combination of chemo in same dosage, ostentatiously. In March, Dr. Sanmay Ganguly referred the patient to Northland Nursing Home and admitted there for 11 days. During this period Dr. Sanmay Ganguly sought opinion from other oncologist. After discharge from Nursing Home, the condition of patient deteriorated. Dr. Sanmay Ganguly referred the patient to Dr. Sameer Bhattacharya, Surgeon, at Thakurpukur Cancer Hospital. He advised there for surgery. Attendants consulted for other doctors and they opined that the obstruction were caused by the 35 additional and absolutely superfluous radiations that were administered to the prostate bed. On 12.06.2012 patient died. Unnecessary additional administration by Dr. Sanmay Ganguly to prostate bed damaged various sensitive organs and finally patient died due to multi organ failure."

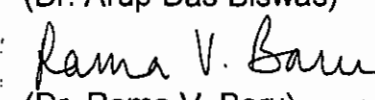
After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call both the parties i.e. Appellant, Smt. Usri Roy and Respondents, Dr. Sanmoy Ganguly for hearing with all the medical records and supportive documents available with them in the subsequent meeting.

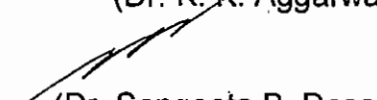

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

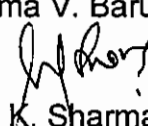

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

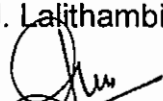

(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)


(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

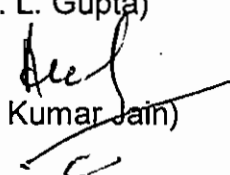

(Dr. N. K. Mohanty)

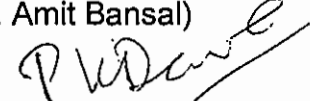
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

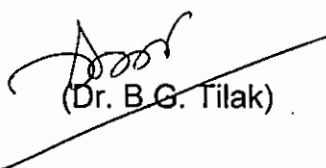
Notices be sent to both the parties along with a copy of the appeal to the respondent, so that the concerned party may file a suitable reply to the appeal with an advance copy to the appellant before the subsequent meeting.

42. Appeal dated 01.03.2013 filed by Sh. Anthony R. Rodrigues against Order 08.03.2012 passed by Karnataka Medical Council - reg.

The Ethics Committee considered the appeal dated 01.03.2013 filed by Sh. Anthony R. Rodrigues against Order 08.03.2012 passed by Karnataka Medical Council. The summary of the complaint are as under:-

"Sh. Anthony R. Rodrigues was suffering from fever, and went to the Respondent Dr. Sayeed Ahmed who gave some Allopathic Tablets and injections. As there was no improvement, the Dr. Sayeed Ahmed advised him to get Blood Report, Urine analysis, physical examination and Microscopic examination and he advised him to get admitted on 16.04.2011 and referred to Dr. Giridhar Patil who normally see all the Patients sent by Dr. Sayeed Ahmed, who is a Homeopathic doctor. The complainant also says that he did not had any pre requisite tests whether he is allergic to Ciplox or not, which resulted with a reaction (rashes over the body, swelling, sweating, severe stomach ache and vomiting). He also says that Dr. Giridhar Patil is a Negligent person and when the Patient is under serious condition he was not present to provide medical treatment, instead goes on instructing Nurses to give injections and Saline who are unqualified and are dealing with drugs and medicines which are dangerous to human body. Hence the Dr. Giridhar Patil is responsible to cause the Complainant suffer mentally, physically and severe health problems. On 18.04.2011 he advised the Complainant to have a Chest X-ray as the Chest is congested and also showed Bilateral Midzone pneumonitis which was caused because of heave Saline and ciplox injections. On 18.04.2011 an expert from the K.L.E. Hospital was called to examine the Complainant and he instructed that the Patient should be shifted immediately to K.L.E. Hospital (ICU) for 5 days as the condition was serious and this matter was informed to his wife who disagreed and Dr. Giridhar Patil also enquired whether the Complainant is a patient of Asthma or Tuberculosis or HIV. Finally they decided to go to K.M.C. Manipal.

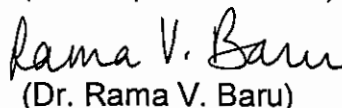
The Dr. Giridhar Patil is an Assistant Professor in B.I.M.S., Belgaum, and he is not available for Patient's treatment and the Patients are at mercy of unqualified Nurses which is against the Medical Ethics and he also says few words about the condition of the Hospital. When the Complainant reached the K.M.C. Hospital, Manipal, he was treated for fever with Calpol tablets and the fever had disappeared and the test showed only prolonged pyrexia viral Enteric. After conducting a detailed examinations, he said he has got mild hepatitis and renal failure, for that he had medical treatment at Manipal and discharged after 7 days. The complaint says that the Dr. Giridhar Patil & Dr. Sayeed Ahmed) have violated all the laws of Medical Ethics, responsibilities, rules, guidelines, and rendered deficiency in service and should be punished Hence he is asking the K.M.C. to take action against the Respondents."


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

(Dr. N. K. Mohanty)

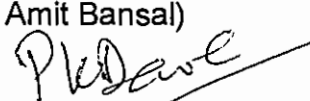
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

The Registrar, Karnataka Medical Council vide its order dated 08.03.2013 held that:-

"Karnataka Medical Council unanimously decided that R(1) (Dr. Giridhar Patil) has violated the Code of Medical Ethics and he is administered a "Warning" under the Provision of KMC Act & Rules.

The complainant (Mr. Anthony R. Rodrigues) is advised to approach the appropriate authorities for redressal of his allegations against R(2) (Dr. Sayeed Ahmed) and the Hospital."

The Ethics Committee noted that the appeal filed by the Respondent doctors has already been considered by the Ethics Committee at its meeting dated 23rd Feb, 2013 wherein the Committee decided as under:-

"The Ethics Committee considered the appeal filed by Dr. Giridhar Patil made an appeal dated 13.05.2012 against the order dated 08.03.2012 passed by Karnataka Medical Council and noted that Dr. Giridhar Patil, Appellant and Mr. Anthony R. Rodrigues, Respondent appeared before the Ethics Committee alongwith all the records.

The Ethics Committee heard the deposition of both the parties in detail and after going through & reviewing all the relevant records & documents submitted by both parties, the Ethics Committee after detailed deliberation decided to uphold the decision of the Karnataka State Medical Council and accordingly, matter is disposed off."

Now, Ethics Committee considered the appeal filed by Mr. Rodrigues and decided to once again call both the parties i.e. Appellant, Mr. Rodrigues and Respondent Dr. Giridhar Patil alongwith all the relevant documents in the subsequent meeting of the Ethics Committee.

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.

43. Appeal against the activities and order dated 26.10.2007 passed by the Rajasthan Medical Council.

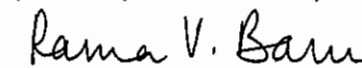
The Ethics Committee considered the letter dated 30.03.2013 received from Sh. Ajeet Singh Singhvi. After due deliberation, the Ethics Committee decided that


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)


(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

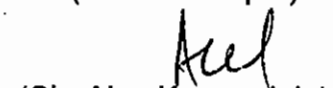
(Dr. N. K. Mohanty)

(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave - Chairperson)

the Committee has no power to review its own decision. The same may be conveyed to the Appellant.

44. Complaint against use of fake and frivolous qualification and Degrees by Dr. Narendra Vikramaditya Yadav – reg.

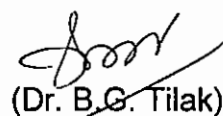
The Ethics Committee considered a letter dated 16.07.2013 received from Sh. Sandeep S. Duggal, Gr. Dy. General Manager Human Resources, Kailash Hospital & Heart Institute, Noida wherein he has Complaint against use of fake and frivolous qualification and Degrees by Dr. Narendra Vikramaditya Yadav. After detailed deliberation, the Ethics Committee decided to call Dr. Narendra Vikramaditya Yadav for hearing with all the medical records and supportive documents available with them in the subsequent meeting, failing which, the decision will be taken ex-parte as per available records/material.

45. Prescription writing of Generic name of Medicines-reg.

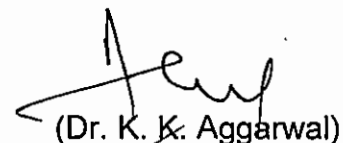
The Ethics Committee considered a letter dated 26.02.2013 received from Dr. Purujit Choudhury, MBBS; MS (Surgery); PhD (SGE, GU); FMAS (AMASI); FSGE (KMC, JAPAN), (Associate Professor of Surgery), Gauhati Medical College, Guwahati with regard to prescription writing of Generic name of Medicines. After detailed deliberation, the Ethics Committee noted the above.

46. Appeal dated 16.07.2013 filed by Dr. Rakesh Kumar Bhatnagar against Order dated 17.05.2013 passed by Delhi Medical Council - reg.

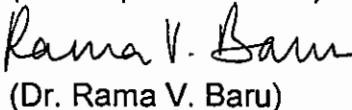
The Ethics Committee considered the appeal dated 16.07.2013 filed by Dr. Rakesh Kumar Bhatnagar Das against Order dated 17.05.2013 passed by Delhi Medical Council and noted that Disciplinary Committee of Delhi Medical Council examined Inspection Report forwarded by the Office of the Chief Distt. Medical Officer, North West District, Directorate of Health Services, Govt. of NCT of Delhi in respect of Partha Medical Centre, Balaswa Dairy, Delhi wherein Dr. Rakesh Kumar Bhatnagar has been associating with unqualified medical practitioner and carrying out his professional practice. After deliberation, the DMC passed its order dated 17.05.2013, which reads as under:-


(Dr. B. G. Tilak)

(Dr. Arup Das Biswas)

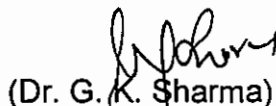

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

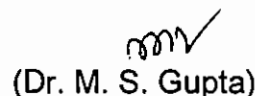

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)


(Dr. N. K. Mohanty)

(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

"..... The Disciplinary Committee perused the inspection report of the office of the Chief District Medical Officer, North West Distt. Alongwith documents attached therewith and other documents on record.

Dr. Rakesh Kumar Bhatnagar presented himself before the Disciplinary Committee. Dr. Rakesh Kumar Bhatnagar stated that he is holder of MBBS and MD(Pathology) qualification and is also practicing some part of Biochemistry and microbiology also. He further stated that he is practicing as pathologist in twenty to twenty five labs but visiting only those labs which are very far from his house in that case he sees slides on internet and give report on telephone.

The Disciplinary Committee noted that he does not visit labs and prepare the pathology report without visiting the lab.

The Disciplinary Committee further noted that Dr. Rakesh Kumar Bhatnagar did not submit the following documents, inspite of directions.

1. A copy of FIR against those individuals who have been using his name without his consent.
2. List of labs/clinic/NGOs with complete address and contact number where he had been visiting for the last three months.
3. A copy of agreement with terms and conditions between him and labs/clinics/NGOs of the last three months.
4. Receipts of amount which he has received from the labs/clinics/NGOs of the last three months.
5. Details of salary which he receives from Saraswati Medical College and appointment letter Saraswati Medical College where he is presently working.
6. List of all the institution wherein he has worked till now including medical colleges and duration of work alongwith details of salary.

In light of the above, the Disciplinary Committee observes that the aforementioned action of Dr. Rakesh Kumar Bhatnagar are highly unprofessional and reflects his casual attitude, hence, the Disciplinary Committee recommends that name of Dr. Rakesh Kumar Bhatnagar be removed from the State Medical Register of the Delhi Medical Council for a period of sixty days and directs that he should refrain from such unethical practices, in future."

After examining the appeal and the attached documents, the Ethics Committee decided to accept the appeal and call the Appellant, Dr. Rakesh Kumar Bhatnagar for hearing with all the supportive documents available with them alongwith the following documents in the subsequent meeting:-

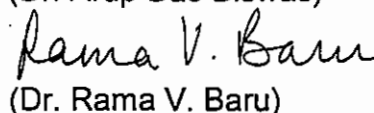
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(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

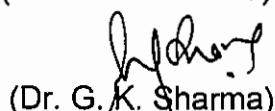

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


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(Dr. N. K. Sethi)

(Dr. N. K. Mohanty)

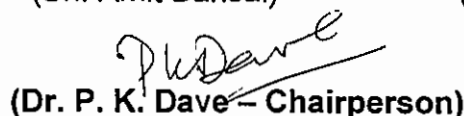
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

4. Receipts of amount which he has received from the labs/clinics/NGOs of the last three months.
5. Details of salary which he receives from Saraswati Medical College and appointment letter Saraswati Medical College where he is presently working.
6. List of all the institution wherein he has worked till now including medical colleges and duration of work alongwith details of salary.

47. Appeal dated 13.06.2013 filed by Sh. Tola Ram against Dr. Rajan Atreja - reg.

The Ethics Committee considered the appeal dated 13.06.2013 filed by Sh. Tola Ram against Dr. Rajan Atreja and letter dated 15.04.2013 issued by Delhi Medical Council. The summary of the complaint are as under:-

"Mrs. Manisha, sister of complainant got married with Mr. Harish Kumar in 2001. On 05.05.2003 she died in Sanjay Gandhi Hospital due to 100% burn injuries all over her body. Complainant lodged an FIR No. 240/03U/S 304-B/498-A/34 IPC in Police Station, Rohini.

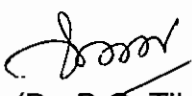
Complainant highlighted the following:-

1. Patient was brought to the hospital at 3.10 am and declared fit to give statement at 3.15 am by Dr. Rajan Atreja.
2. Hospital informed the police at 3.45 am.
3. At 4.00 am her statement was recorded in which Mrs. Manisha accepted that she has attempted suicide.

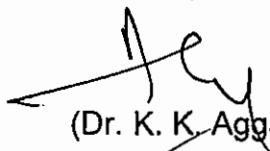
Complainant said that distance between the PS Rohini and S.G.M. Hospital is about 4 km. ASI, Shs. Kishan Lal received information from hospital at about 3.45 am and it was not possible for him to reach hospital at 4.00 am and record statement of deceased prior to 4.00 am.

He further stated that patient was 100% burnt and was in deep pain. She had received deep burns on all over her body as per MLC Report and not in a position to narrate anything."

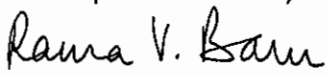
The said matter was also considered by Delhi Medical Council and they have issued a letter dated 15.04.2013 wherein they informed that:-


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

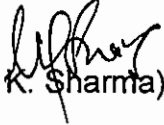

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)

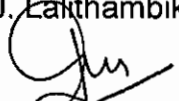

(Dr. Rama V. Baru)


(Dr. Sangeeta B. Desai)

(Smt. J. Lakshambika)

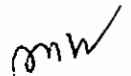

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

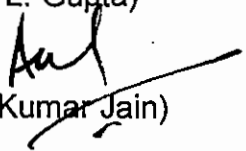

(Dr. N. K. Mohanty)

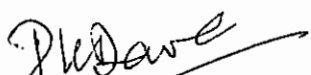
(Dr. Raj Kumar)

(Dr. J. L. Gupta)


(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave - Chairperson)

"..... on perusal of the complaint and documents submitted therewith, the Delhi Medical Council has observed that since the subject matter of complaint pertains to issue which falls within the purview of criminal justice system and unless the investigating agencies or court of law give any adverse finding against a registered medical practitioner, it will not be appropriate for the Council to examine this matter."

After examining the appeal and the attached documents, the Ethics Committee decided to call both the parties i.e. Appellant, Sh. Tola Ram and Respondents, Dr. Rajan Atreja 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.

48. Minor correction in the decision taken by the Ethics Committee at its meeting dated 20.11.2012 with regard to Appeal against order dated 27.07.2011 passed by Delhi Medical Council made by Dr. Bhupendra Nath Singh & Sh. U. K. Sinha.

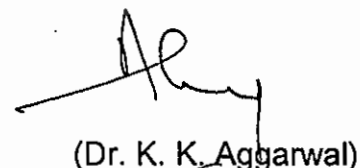
The Ethics Committee considered its decision dated 20.11.2012 with regard to Appeal against order dated 27.07.2011 passed by Delhi Medical Council made by Dr. Bhupendra Nath Singh & Sh. U. K. Sinha. It is noted that a correction has been done in the name of the Appellant. After consideration, the Ethics Committee decided to approve the suggested corrections in the decision taken by the Committee in its meeting dated 20.11.2012.

49. Seeking intervention Dr. Ketan Desai practicing with suspended medical license-reg.

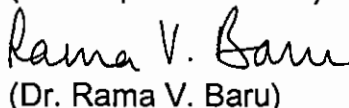
The Ethics Committee decided to defer the matter for the next meeting due to paucity of time.


(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)


(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)

(Dr. Sangeeta B. Desai)

(Smt. J. Lalithambika)

(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

(Dr. N. K. Mohanty)

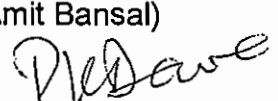
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)

(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave – Chairperson)

50. Appeal against the Order dated 30.06.2004 passed by the Bihar Medical Council on the complaint made by Mr. Kailash Prasad Singh against Dr. V.R.Sinha. (F.No. 162/2006)

The Ethics Committee considered the Order passed by Hon'ble High Court of Patna in CWJC No. 8049/2007 with regard to Appeal against the Order dated 30.06.2004 passed by the Bihar Medical Council on the complaint made by Mr. Kailash Prasad Singh against Dr. V.R.Sinha.

After detailed deliberation on the issue and noted that as per direction of the Ethics Committee, the Clinical Expert Opinion pertaining to the case was obtained from three Specialists by circulation. Only one member had submitted their opinion which was placed before the Committee. The Ethics Committee took a serious note on this matter.

Now, as Hon'ble Court directed the MCI to expedite the matter after hearing the parties within three months, the Ethics Committee decided to call both the parties i.e. by Appellant, Mr. Kailash Prasad Singh and Respondent, Dr. V. R. Sinha in the upcoming meeting on 05.09.2013 for hearing alongwith all the medical records and supportive documents available with them.

51. Order dated 02.05.2013 passed by the Hon'ble State Commission, Delhi in Complaint No.149/2007 - Shri Naveen Prashar - Vs. - K.C. Sharma Poly Clinic & Ors. - reg.

The Ethics Committee decided to defer the matter for the meeting scheduled to be held on 05.09.2013.

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

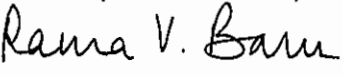
New Delhi, 23rd & 24th August, 2013.

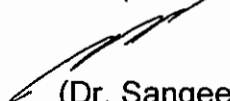

(Dr. B.G. Tilak)

(Dr. Arup Das Biswas)

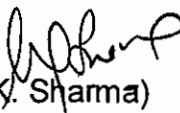

(Dr. K. K. Aggarwal)

(Dr. Atul Sood)


(Dr. Rama V. Baru)


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(Smt. J. Lalithambika)


(Dr. G. K. Sharma)

(Dr. N. K. Sethi)

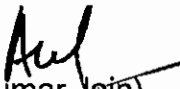
(Dr. N. K. Mohanty)

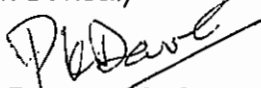
(Dr. Raj Kumar)

(Dr. J. L. Gupta)

(Dr. M. S. Gupta)

(Sh. Amit Bansal)


(Sh. Ajay Kumar Jain)


(Dr. P. K. Dave - Chairperson)