

Msw/steno3/Ethical Minutes folder dt.2.9.04

**NO. MCI-211 (2)/2004-Ethical/**

**MEDICAL COUNCIL OF INDIA  
NEW DELHI-110002.**

Minutes of the meeting of the Ethics Committee held on 2<sup>nd</sup> & 3<sup>rd</sup> September, 2004 at 10.00 A.M in the Council Office, Aiwan-E-Galib Marg, Kotla Road, Opp. Mata Sundari College (For Women), New Delhi-110002.

Present:

- |    |                              |   |               |
|----|------------------------------|---|---------------|
| 1. | Dr. Indrajit Ray             | - | Chairman      |
| 2. | Dr. Silvano C.A. Dias Sapeco |   |               |
| 3. | Dr. D.J. Bohra               |   |               |
| 4. | Dr. S.K. Aggarwal            |   |               |
| 5. | Dr. (Mrs.) J. Soren          |   |               |
| 6. | DR. R.A. Rudrawadi           |   |               |
|    | Dr. Davinder Kumar -         |   | Dy. Secretary |

Regret received from Dr. K.M. Ramesh Chandra Babu

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

The minutes of the Ethics Committee held on 26<sup>th</sup>, 27<sup>th</sup> & 28<sup>th</sup> August, 2004 were read and confirmed.

**2. Minutes of the last meeting of the Ethics Committee-Action thereon.**

Office of Council was asked to place the "Action Taken" report in the next meeting of the Ethics Committee.

**3. Appropriate action to be taken by the Council for endorsing declarations containing misstatement and also false statement- Explanation of the Deans/Principles in response to MCI letter dated 27.05.2004**

Read : the matter with regard to appropriate action to be taken by the Council for endorsing declarations containing misstatement and also false statement- Explanation of the Deans/Principles in response to MCI letter dated 27.05.2004.

The Ethics Committee considered the cases of the three Deans/Principals, who were present before the Ethics Committee and heard all of them. All of them were given sufficient time and ample opportunity to submit their explanations. Written statements were also taken from them, which are as follows :-

*"STATEMENT OF DR. B. MALLIKARJUN*

*"I, Dr. B. Mallikarjun, Principal, MR Medical College, Gulbarga graduated from M. R. Medical College, Gulbarga in the year 1971 and did my MD (Paediatrics) from KMC, Hubli in the year 1976. My Date of Birth is 20.05.1949. My Registration No. is 9146 from Karnataka Medical Council. I joined as Principal at MR Medical College, Gulbarga on 11.05.2001.*

*Dr. K. Surya Kumari was a permanent staff member of MR Medical College, Gulbarga and joined our college on 15.06.1999 in the Department of Biochemistry as Professor. She resigned on 10.10.2003.*

*On receiving the letter from MCI dated 27.09.2003, I made an Enquiry about the letter stating that Dr. K. Surya Kumari had presented herself in MCI inspection held on*

10.10.2003 at Christian Medical College, Dichpalli and Warangal Instt. of Medical Sciences, Warangal on 13.06.2003 as staff member of those colleges while she was in service of my Institution. She was unable to give any satisfactory reply and she submitted her resignation on 10.10.2003.

*I did not know about this incidence at all earlier nor anybody had told me about the matter. Hence, no negligence has been done in my part.*

*However, the inconvenience caused to MCI for this purpose by any staff of this institution may be forgiven.”*

Sd/-

**DR. B. MALLIKARGUN**  
PRINCIPAL

MR MEDICAL COLLEGE, GULBARGA

STATEMENT OF DR. (Mrs.) MADHAV KALYANI

*“I, Dr. Madhav Kalyani, Principal, NRI Medical College, Guntur, did my MBBS in the year 1967 from Guntur Medical College, Guntur and MD (General Medicine) in the year 1977 from the same institute. My Date of Birth is 02.03.1945. My Registration No. is 3760 of AP Medical Council. I retired from Govt. service as Additional Director. I joined as Professor in NRI Medical College in May 2003 and later I took the post of Principal on 21<sup>st</sup> August 2003.*

*All the seven Doctors namely, Dr. M. Panchela Reddy, Dr. S. L. N. Reddy, Dr. S. S. Hari Prasad, Dr. A. Rama Mohan, Dr. A. Venugopal Sarma, Dr. K. Ram Kumar and Dr. M. Sreedhar joined at NRI Medical College, Guntur before I became the Principal, so I do not have any knowledge on the process of their joining. It was also not brought to my notice by anybody till MCI's information that these people have been physically present during the MCI inspection in some other Institutions. After receiving the communication from MCI, I asked explanation from all of them. After that explanation was received, except Dr. A. Rama Mohan and Dr. Venugopal, all five Doctors were terminated since not being satisfied with the explanation. So far Dr. Rama Mohan and Dr. Venugopal Sarma are concerned, they could produce their relieving orders from previous employers/ Institutions, which was satisfactory in my opinion and so they are still working in my Institution.*

*From now onwards, I will be more careful while signing the Declaration Forms of teachers for MCI.”*

Sd/-

**DR. (Mrs.)MADHAV KALYANI**  
PRINCIPAL

NRI MEDICAL COLLEGE, GUNTUR

STATEMENT OF DR. P. SUBANULLAH

*I, Dr. P. Subanullah, Principal, KBN Medical College, Gulberga, did my MBBS from Bangalore Medical College in the year 1966 and did my MD (General Surgery) in the year 1975 from Osmania Medical College and did my MCh. in Urology in the year 1982 from Bangalore Medical College. My Date of Birth is 13.09.1942. My Registration No. is 5721 of Karnataka Medical Council. I joined as Principal, KBN Medical College, Gulbarga on 15<sup>th</sup> March 2003.*

*So far as Dr. R. A. Ginde, Dr. S. L. N. Reddy, Dr. S. S. Hari Prasad and Dr. N. Hari are concerned, they were in the permanent payroll in my Institution and on availing admissible leave, they were present during the inspection of different other institutions without my knowledge or any of the Authorities. On receiving the information from the Council, we enquired into the matter and explanation was asked from the Doctors. After their explanations not found satisfactory, three of them resigned and left the Institute.*

*Dr. R. A. Ginde joined my Institute on 01.10.2001. On enquiry, he was asked to give his explanation and he told that he was physically present during the MCI inspection at Kamineni Instt. of Medical Sciences, Narketpalli on 24.03.2002 in the honorary capacity. As this case is pending with MCI Ethics Committee, the authority has not taken any step so far and we are waiting for the opinion of MCI.*

*In the end, I would say that it is difficult to know that the teachers have appeared in other colleges during the period except informed by the MCI inspectors/office.*

*Sd/-*

**DR. P. SUBANULLAH**  
PRINCIPAL  
KBN MEDICAL COLLEGE  
GULBERGA

**WARANGAL INSTT. OF MEDICAL SCIENCES, WARANGAL**

*The Ethics Committee noted that Dr. V. L. Narasimha Rao appeared before the Committee while the Principal, Warangal Instt. of Medical Sciences, Warangal was called to appear before the Committee. The Committee also noted that Dr. V. L. Narasimha Rao, of his own, came and volunteered because he came to know that the Principal has been called to appear and on 13.06.2003, when the inspection of the institute was held, he happened to be the Principal at that point of time. Getting this information unofficially, he came to appear before the Ethics Committee and he was not the official representative of the Principal or the authorities of the Institute.*

*Dr. V. L. Narasimha Rao informed the Ethics Committee that he joined on 01.06.2003 as Principal of Warangal Instt. of Medical Sciences, Warangal and while signing the Declaration Forms on 13.06.2003, Doctors namely, Dr. K. Sundereshwaran, Dr. K. Krishna Murthy, Dr. Y. Vijaya Sarthi, Dr. K. Anand Kumar, Dr. B. Anusuya, Dr. D. Periah Chetty, Dr. K. Ram Kumar, Dr. Sanjay Bagade, Dr. N. Hari and Dr. K. Surya Kumari (who appeared before the MCI inspection team in so many other colleges) were told to be the permanent staff member of the college.*

*The address for communication of Dr. V. L. Narasimha Rao is as under:-*

*DR. V. L. NARASIMHA RAO  
PROFESSOR OF PHYSIOLOGY  
ALLURI SITARAM RAJU ACADEMY OF MEDICAL SCIENCES  
ELLURU  
WEST GODAWARI DIST. – 530044 (A.P.)  
MOBILE NO. – 98491 - 06711"*

The Ethics Committee after detailed deliberations found that Dr. B. Mallikarjuna, Principal, MR Medical College, Gulbarga and Dr. P. Subanullah, Principal, KBN Medical College, Gulbarga have not committed any professional negligence. Hence, the Ethics Committee unanimously decided that no action is to be taken in these two cases.

It appears from records and statement of Dr.(Mrs.) Madhav kalyani that she has joined NRI Medical College on May, 2003 and joined as Principal in the same institute on 21<sup>st</sup> August, 2003. This is according to her signed statement given before the Ethics Committee. This shows that she had become the Principal only on the next day of the 2<sup>nd</sup> inspection. But she had signed the declaration forms of the staff as Principal of NRI Medical College for the inspection. This shows that she had given a false statement before the Ethics Committee. Hence her statement that she had recently joined and not aware of the selection procedure and the staff of the college appears to be untenable. It was seen that out of 7 staff, 6 have joined between 1.7.2003-14.7.2003 – that is less than a month before the 1<sup>st</sup> inspection at 24-25<sup>th</sup> July, 2003 and one joined at 1.8.2003, that is after 1<sup>st</sup> but before 2<sup>nd</sup> inspection. These facts show the complicity of the Principal in the whole process of false certification, falsification of records of medical teachers with an intention to mislead Medical Council of India inspectors. Further she states that after receipt of MCI letter no. 34(C)/2004 - MC/12972 dated 13.08.2004, it came to her notice that 7 members of her staff were found to be working in other medical colleges and out of them 5 doctors were terminated. However, in case of 2 doctors namely Dr. Rama Mohan and Dr. Venugopal Sharma, the Principal has stated that they are still in service and are not terminated because they could produce their relieving orders from the previous institute which were satisfactory in her opinion. However, the Principal did not produce copies of any such relieving orders in the Ethics

Committee. It appears that these relieving orders (if they exist at all) were obtained after date of MCI inspection. This only shows that the Principal is trying to condone the wrong committed by two of her staff members.

The Dean of the College by virtue of his position is expected to be an emulative role model. In the above 2 cases it appears that the Principal have condoned/ accepted declarations of the doctors which are incorrect. This amounts to perpetuating some mistakes or willful commissions on the part of the Principal. Such unwanted actions can only be willful and with full knowledge in the backdrop that she must also have known that the same is avoidable by conscious intervention of her. As such, the nature and gravity of the wrong that stands committed by her is more than the one which has been committed by the teacher in terms of her singular declaration. It is for this reason the penalty needs to be exemplary in character so as to act as a deterrent for others.

After detailed deliberations, the Ethics Committee is of the unanimous opinion that Dr. Madhav Kalyani, Principal, NRI Medical College, Guntur has committed professional negligence as per Sections 1.1, 1.1.1, 1.1.2 and 8.1 of the Professional Conduct (Etiquette and Ethics) Regulations, 2004. In view of above, the Ethics Committee recommends that her name may be erased for a period of 3 years from Indian Medical Register.

Relevant sections are quoted below:-

"Section 1.1.1.

*A Physician shall uphold the dignity and honour of his profession.*

Section 1.1.2.

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

*"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."*

This may be placed before the Executive Committee and General Body of the Council for approval.

4. **Complaint against Dr. Manoj Chakraborty, Dr. V.S. Baid and Dr. Subrata Banerjee as alleged by Mr. Shubendu Mukherjee.(F.No.48/2004)**

Read : the matter with regard to complaint against Dr. Manoj Chakraborty, Dr. V.S. Baid and Dr. Subrata Banerjee as alleged by Mr. Shubendu Mukherjee.

The Ethics Committee considered the documents regarding complaint against Dr. Manoj Chakraborty, Dr. V.S. Baid and Dr. Subrata Banerjee as alleged by Mr. Shubendu Mukherjee. The complaint was received in the office of the Council on 4<sup>th</sup> February 2004, wherein Mr. Shubendu Mukherjee has appealed to the Medical Council of India against the decision of West Bengal Medical Council. The Ethics Committee has noted that this particular complaint does not fall under the purview of Section 8.7 and 8.8 of Professional Conduct (Etiquette and Ethics) Regulations 2004.

However, the Ethics Committee decided that the case may be referred to the Professor of Gastroenterology, GB Pant Hospital, New Delhi for his expert opinion whether there was any negligence in the part of the Doctors concerned.

5. **Complaint against Santosh Medical College & Hospital, Ghaziabad as alleged by Ms. Monika Kumari and Mr. Manish Kumar (File No.311/2004).**

Read : the matter with regard to complaint against Santosh Medical College & Hospital, Ghaziabad as alleged by Ms. Monika Kumari and Mr. Manish Kumar.

The Ethics Committee considered the matter with regard to complaint against Santosh Medical College & Hospital, Ghaziabad as alleged by Ms. Monika Kumari and Mr. Manish Kumar and decided that as proposed by the Secretary, Medical Council of India, the draft of the letter addressed to Registrar, UP Medical Council, wherein he has requested UP Medical Council to take necessary action in this regard, was approved by the Ethics Committee. A copy of the said letter may be sent to the complainant.

6. **Complaint against Dr. Santosh Kumar Singh, Dr. Vashi & Dr. Rakesh Tiwari as alleged by Mr. Vikas and the staff of Sanjay Gandhi Memorial Hospital, Mangolpuri, Delhi. (F.No.286/2003).**

Read : the matter with regard to complaint against Dr. Santosh Kumar Singh, Dr. Vashi & Dr. Rakesh Tiwari as alleged by Mr. Vikas and the staff of Sanjay Gandhi Memorial Hospital, Mangolpuri, Delhi.

The Ethics Committee considered the matter with regard to complaint against Dr. Santosh Kumar Singh, Dr. Vashi & Dr. Rakesh Tiwari as alleged by Mr. Vikas and the staff of Sanjay Gandhi Memorial Hospital, Mangolpuri, Delhi and decided in its last meeting held on 02.08.2004 directed the office to call Dr. Santosh Kumar Singh, Dr. Vashi & Dr. Rakesh Tiwari on 03.09.2004 at 10.00 a.m. However, office could not find their addresses and thus the letters could not be despatched to them.

The Ethics Committee collected the addresses from the IMR and again directed the office to call all the three doctors in the second day in its next meeting at 10.00 a.m.

7. **Complaint against collection of exorbitant fees by Dr. Sanjeeb Kakoty, Professor of Assam Medical College & Hospital, Dibrugarh, Assam as alleged by Sri Kumud Ch. Gogoi, Member, Distt. Consumer Forum (File No.312/2004).**

Read : the matter with regard to complaint against collection of exorbitant fees by Dr. Sanjeeb Kakoty, Professor of Assam Medical College & Hospital, Dibrugarh, Assam as alleged by Sri Kumud Ch. Gogoi, Member, Distt. Consumer Forum.

The Ethics Committee considered the matter with regard to complaint against collection of exorbitant fees by Dr. Sanjeeb Kakoty, Professor of Assam Medical College & Hospital, Dibrugarh, Assam as alleged by Sri Kumud Ch. Gogoi, Member, Distt. Consumer Forum and decided to obtain the comments of Dr. Sanjeeb Kakoty, Professor of Assam Medical College and Hospital, Dibrugarh, Assam and also from the Principal, Assam Medical College and Hospital, Dibrugarh, Assam.

A copy of the letter of Sh. Kumud Ch. Gogoi may be enclosed for their ready reference. A copy of the letters may be sent to the complainant.

8. **Complaint against Dr. Rangabashyam as alleged by Mrs. Zeenath Begum. (F.No.259/2003).**

Read : the matter with regard to complaint against Dr.Rangabashyam as alleged by Mrs. Zeenath Begum.

The Ethics Committee considered the matter and noted that this case was referred to Tamil Nadu Medical Council for taking necessary action as the alleged Dr. Rangabashyam was registered with the Tamil Nadu Medical Council.

The Registrar, Tamil Nadu Medical Council vide his letter dated 22.06.2004 has informed this Council that:-

*"DR. N. Rangabashyam has not indulged in any professional misconduct during the treatment given to Mrs. Zeenath Begum."*

The Ethics Committee endorsed the views of the Tamil Nadu Medical Council and decided to drop this case. A copy of the letter of the Registrar, Tamil Nadu Medical Council may be sent to the complainant and the matter may be treated as closed.

9. **Press Clipping appeared in the Indian Express dated 12.09.2003, New Delhi edition.(F.No.146/2003).**

Read : the matter with regard to press Clipping appeared in the Indian Express dated 12.09.2003, New Delhi edition.

The Ethics Committee considered the matter with regard to press Clipping appeared in the Indian Express dated 12.09.2003, New Delhi edition and noted the letters received from the Medical Superintendent Dr. V.K. Ramteke, LNJP Hospital alongwith the photocopy of the letter of Dr. A. Rathore, Chairperson, Enquiry Committee of the hospital and also noted the negligent attitude on the part of hospital authorities. In view of the above facts, the Ethics Committee decided to call both the Medical Superintendent and Dr. A. Rathore at 3.00 p.m. on the first day of next meeting of the Ethics Committee with all the relevant documents as well as with the detail of all the three patients with name Shahida as have been mentioned in the letter of Dr. A. Rathore.

10. **Complaint against Dr. B.B.Gupta and Dr R.S.Lamba, Dr. RML Hospital as alleged by Mr T.D.Sharma.(F.No.70/2000).**

Read: the matter with regard to complaint against Dr. B.B.Gupta and Dr R.S.Lamba, Dr. RML Hospital as alleged by Mr T.D.Sharma.

The Ethics Committee considered the matter with regard to complaint against Dr. B.B.Gupta and Dr R.S.Lamba of Dr. RML Hospital as alleged by Dr. T.D.Sharma.

The written statement of Dr.B.B.Gupta & Dr. R.L. Lamba is as follows:-

**Statement of Dr.B.B.Gupta**

"I, Dr.B.B.Gupta passed my MBBS from Maulana Azad Medical College, New Delhi in the year 1972 and called before the Ethics Committee. I was supplied a copy of the hospital record of patient Rajender Singh. I would like to make the following statement regarding this case.

1. As per record, fundus examination was done and it has been recorded as NAD.
2. At the time of admission in the hospital, authorisation for medical and/or surgical treatment was taken from the attendant of the patient – brother-in-law as the patient was having altered sensorium.

3. Before doing the lumbar puncture, L.P consent was taken by the resident on duty from the attendant of the patient, who has signed as Rohit his son.
4. Many a times, it may be difficult to assess the age of a person by his appearance whether he is 16 or 18 or more. Probably no other attendant was present with the patient during that period.

Sd/-  
(Dr.B.B.Gupta)

Statement of Dr.BMS Lamba

I, Dr. BMS Lamba working as Senior Physician, R.M.L. Hospital, New Delhi. I have passed my MBBS from MAMC, New Delhi in the year 1976 and registered with Delhi Medical Council. I had attended the Ethics Committee meeting after being called to appear and I have been told about the complaint of Dr.T.D.Sharma. I would like to make the following statement:-

Mr.Rajender Singh, aged 48 years, CR No.25533 was admitted in Unit of Dr.B.B.Gupta with complaint of fever 6-7 days and altered sensorium. After physical and clinical examination of the patient the investigations was sent and treatment on the lines of Diabetes with acute pyogenic meningitis were started. The consent of Dr.T.D.Sharma who was brother-in-law of the patient is recorded in page No.2. Additional consent prior to the procedure of lumbar puncture was taken before the procedure by the Resident Dr. from Mr.Rohit, son of the patient at the moment present in the emergency ward. All necessary precautions and preliminary examination such as fundus examination, Blood pressure examinations were done prior to the procedure. His fundus was seen by the senior resident on duty and were found to be normal as recorded in the case sheet.

Sd/-  
(Dr.BMS Lamba)

The Ethics Committee, after considering the complaint, other relevant documents and the statements of Dr.B.B.Gupta and Dr. BMS Lamba, came to the conclusion that no negligence in the part of Dr. B.B.Gupta and Dr. B.M.S. Lamba could be substantiated and the case may be dropped. The complainant may be informed accordingly.

11. **Complaint against Dr. Ashwani Maichand & Dr. Rupinder Kaur, Parmarth Mission Hospital as alleged by Mr. Sabhash Chander Jaitly.(F.No.315/2003)**

Read :the matter with regard to complaint against Dr. Ashwani Maichand & Dr. Rupinder Kaur, Parmarth Mission Hospital as alleged by Mr. Sabhash Chander Jaitly.

The Ethics Committee considered the matter with regard to complaint against Dr. Ashwani Maichand & Dr. Rupinder Kaur, Parmarth Mission Hospital as alleged by Mr. Sabhash Chander Jaitly and decided in its meeting held on 2-3 August 2004 to request the Medical Superintendent, Parmarth Mission Hospital, New Delhi and Medical Superintendent, Jeevan Mala Hospital, New Delhi to personally appear before the Ethics Committee with all the relevant documents in respect of this case including bed-head ticket, a copy of the MLC as well as the address and Registration particulars of Dr. Ashwini Maichand and Dr. Rupinder Kaur.

The above mentioned two Medical Superintendents appeared personally before the Ethics Committee on 3<sup>rd</sup> September 2004 and handed over all the required documents as mentioned above.

It has been noted by the Ethics Committee that both Dr. Ashwini Maichand and Dr. Rupinder Kaur are registered with Delhi Medical Council bearing Nos. 14528 and 1539 respectively.

In view of above, the Ethics Committee decided that the matter may be referred to Delhi Medical Council along with all the relevant documents for taking necessary action at their end within a period of six months from the date of receipt of this complaint and the same may please be communicated to this Council. This may be entered into the "Referral Register".

12. **Complaint against Dr. Bijender Singh as per the Court Order passed by the Court of Hon'ble Mr.C.B.Singh, Chairman, District Consumer Protection Forum, Bulandshar.(F.No.342/2003).**

Read : the matter with regard to complaint against Dr. Bijender Singh as per the Court Order passed by the Court of Hon'ble Mr.C.B.Singh, Chairman, District Consumer Protection Forum, Bulandshar.

The Ethics Committee considered the matter with regard to complaint against Dr. Bijender Singh as per the Court Order passed by the Court of Hon'ble Mr.C.B.Singh, Chairman, District Consumer Protection Forum, Bulandshar and decided to call Dr. Bijender Singh in the next meeting at 3.30 p.m. on the first day, failing which an ex-parte decision would be taken. This may be communicated to Dr. Bijender Singh.

13. **Complaint against doctors of Dr. Arora's Vijay Memorial Hospital, City Heart Clinic & Medical Centre and Sir Ganga Ram Hospital. (F.No.33/2004)**

Read: the matter with regard to complaint against doctors of Dr. Arora's Vijay Memorial Hospital, City Heart Clinic & Medical Centre and Sir Ganga Ram Hospital.

The Ethics Committee considered the matter with regard to complaint against doctors of Dr. Arora's Vijay Memorial Hospital, City Heart Clinic & Medical Centre and Sir Ganga Ram Hospital.

The written statement of Dr. Pawan Goyal is as follows:-

*STATEMENT OF DR. PAWAN GOYAL*

I, Dr. Pawan Goyal, passed my MBBS in the year 1991 from Medical College, Rohtak. My Registration No. is 9629 of 12.04.1991. My Date of Birth is 22.02.1967.

I was called before the Ethics Committee on 3<sup>rd</sup> September 2004. It is regarding a complaint lodged by Mr. B. M. Aggarwal. In this connection, I would like to record the following statement before the Ethics Committee :-

"The patient Mrs. Nirmla Devi attended my OPD only once i.e. on 12.02.2002 and she was examined as an outpatient. She presented herself with complaints of Headache Body ache etc. and on examination, she was found to be hypertensive and from the history also, she was already under treatment for hypertension by other physicians and I examined the patient clinically and done some investigations. I disposed of the case with treatment for Hypertension. She had mild renal failure, for which I advised her proper control on hypertension and no specific treatment was called for and also advised her to consult a Nephrologist.

That was the last day, I saw the patient and she has not come back for check up or revisited subsequently. Later on, I came to know from the complaint that she had gone to Ganga Ram Hospital and was admitted on 19<sup>th</sup> February 2002 and discharged on 20.02.2002 and was diagnosed as KOCH's/hyper tension/mild renal failure. She was treated on Drugs for hypertension and anti KOCH's Therapy along with Steroids by Ganga

Ram Hospital. She was discharged on 20.02.2002 from Ganga Ram Hospital in stable condition and shortly after, she died.”

Sd/-  
(DR. PAWAN GOYAL)

After due deliberation and examination of all the documents and also considering written statement of Dr. Pawan Goyal, the Ethics Committee has come to the opinion that Dr. Pawan Goyal on the first examination of the patient on 12.2.2003, when she came to his OPD has diagnosed “suffering from hypertension as well as renal failure”, but in the investigative work-up of the patient, x-ray chest (PA view) was not advised by him which is the standard investigation done in a case of hypertension.

After seven day of this, the patient was admitted in Ganga Ram Hospital, where hypertension, congestive cardiac failure & mild degree of renal insufficiency was detected. It is felt that had Dr.Goyal done the x-ray chest when the patient came to him, he would not have missed this diagnosis. This can be taken as lapse on the part of Dr.Pawan Goyal. Therefore, the Ethics Committee considering his age and the backward area in which he is practicing decided to issue him a warning notice to be very careful in management of his patient in future so that such lapses do not occur.

The above decision may be placed before the Executive Committee and the General Body of the Council for approval.

14. **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. (F.No. 133/2004).**

Read : the matter with regard to 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.

The Ethics Committee considered the matter with regard to 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 regarding death of Mrs. Srilatha Reddy and decided that an appeal was made against the order passed by Andhra Pradesh Medical Council. This appeal was received at the MCI office on 05.04.2004 before the Section 8.7 and 8.8 of Professional Conduct (Etiquette and Ethics) Regulations 2004 came into force. Subsequently, the Registrar of Andhra Pradesh Medical Council was requested to provide information and the Registrar, AP Medical Council had submitted all the documents pertaining to this case.

The Ethics Committee considered the documents and felt that an expert opinion from Gynecologist need to be obtained before a final decision could be arrived at. Therefore, it was decided to refer this case to Professor Neera Aggarwal, Professor and HOD, Deptt. of Gynae. & Obst., GTB Hospital, Shahdara, Delhi for her opinion in this particular case whether there was any negligence in the part of the Doctors. This case may also be referred to Dr. Rakesh Kumar, Professor of Anaesthesiology, Maulana Azad Medical College, New Delhi, for his opinion in this particular case whether there was any negligence in the part of the doctors.

15. **Opinion with regard to cause of death and treatment given to Mr. I.J.Divakar as requested by the Police Deptt. of A.P.(F.No.58/2004).**

Read : the matter with regard to opinion with regard to cause of death and treatment given to Mr. I.J.Divakar as requested by the Police Deptt. of A.P.

The Ethics Committee considered the matter with regard to opinion with regard to cause of death and treatment given to Mr. I.J.Divakar as requested by the Police Deptt. of A.P and noted that action had already been taken by the office. The Ethics Committee opined that no further action is required at this end and the file may be treated as closed.

16. **Complaint against Dr.(Mrs.) Rekha Davar as alleged by Dr. Amala Khopkar & Others. (F.No.145/2004).**

Read : the matter with regard to complaint against Dr. (Mrs.) Rekha Devar as alleged by Dr. Amala Khopkar & Others.

The Ethics Committee considered the matter with regard to complaint against Dr. (Mrs.) Rekha Devar as alleged by Dr. Amala Khopkar & Others and decided that the Council has received letter dated 31.03.2004 from Dr. Amala Khopkar and others regarding joint representation demanding legal action for "Mass Boycott of F.C.P.S. examinations due to unacceptable demands and heavy bribe asked for by examiner - Dr. Rekha Davar."

The letter was sent by 10 Doctors to 16 parties out of which Secretary, MCI was in Sl. No. 14.

In this regard the Council had received comments from Dr. Mrs. Rekha Davar and also from the Dean, Grant Medical College, wherein it was found that College of Physicians and Surgeons has already taken necessary action in this regard

In view of above, the Ethics Committee was of the opinion that no further action was required. Hence, the matter may be treated as closed.

17. **Newspaper report titled ' Jholachap Banengee MBBS ke Biklap' reg. (F.No.237/2004).**

Read : the matter with regard to newspaper report titled ' Jholachap Banengee MBBS ke Biklap' reg.

The Ethics Committee considered the matter with regard to newspaper report titled 'Jholachap Banengee MBBS ke Biklap' and noted the contents of the letter of Secretary Ministry of Health & F.W. Govt. of India vide his letter no. V 11.25/4/2004-ME (policy) dated 12.07.2004 has forwarded a copy of letter from Sh. Jibon Roy, Member of Parliament dated 19.06.2004 addressed to Hon'ble Union Minister of Health, New Delhi and is of the opinion that this matter does not come under the purview of MCI and this may be communicated to the Union Govt.

[Office note : Office is hereby directed to consult Advocate, Sh. Maninder Singh, Council Legal Advisor before sending this letter.]

18. **Complaint against Dr. Beena Misra, Dr. Jiwan Prakash & Dr. Vipula Sharma as alleged by Mr. Anil Sharma.(F.No.134/2004).**

Read : the matter with regard to complaint against Dr. Beena Misra, Dr. Jiwan Prakash & Dr. Vipula Sharma as alleged by Mr. Anil Sharma.

The Ethics Committee considered the matter with regard to complaint against Dr. Beena Misra, Dr. Jiwan Prakash & Dr. Vipula Sharma as alleged by Mr. Anil Sharma and noted that Dr. Beena Misra is registered with UP Medical Council and decided to refer this case to them so as to investigate and take necessary action in the matter within 6 months of receipt of this complaint under intimation to this Council. No further action is required at this end and hence the matter may be treated as closed. This may be entered into the "Referral Register."

19. **Complaint against Dr.(Mrs.)Veena Aggarwal as alleged by Mr. Rajesh Shelly. (F.No.222/2004).**

Read : the matter with regard to complaint against Dr.(Mrs.)Veena Aggarwal as alleged by Mr. Rajesh Shelly.

The Ethics Committee considered the matter with regard to complaint against Dr.(Mrs.)Veena Aggarwal as alleged by Mr. Rajesh Shelly and noted that Dr. (Mrs.) Veena Aggarwal is registered with DMC bearing registration no. 21101 and decided to refer this case to the DMC for taking necessary action under intimation to this Council. This may be entered into the "Referral Register."

20. **Request for availing of Medical Record of Treatment (F.No.251/2003).**

Read : the matter with regard to request for availing of Medical Record of Treatment.

The Ethics Committee considered the matter with regard to request for availing of Medical Record of Treatment and decided to write to the Medical Superintendent, Lakeshore Hospital and Research Centre Ltd. and Amrita Instt. of Medical Sciences, Kochi with a copy of the complaint and request them to send the medical records to the complainant within one month of the date of issue of this letter. A copy of the letter may also be sent to the complainant.

21. **Complaint against Dr. Pramod Kumar Julka, AIIMS, New Delhi as alleged by Sh. V.Sasidharan. (F.No.155/2003).**

Read : the matter with regard to complaint against Dr. Pramod Kumar Julka, AIIMS, New Delhi as alleged by Sh. V.Sasidharan.

The Ethics Committee considered the matter with regard to complaint against Dr. Pramod Kumar Julka, AIIMS, New Delhi as alleged by Sh. V.Sasidharan and noted that Dr. Pramod Kumar Julka is registered with DMC. The Registrar, Delhi Medical Council vide his letter dated 02.08.2004 has informed the Council that *"the above noted complaint has already been examined by DMC and prima facie, there was no lapse or failure on the part of the treating doctors of AIIMS."*

A cancer patient was not treated with care and observed in a casual manner and was abused. This is the matter which can not be taken lightly. Therefore, the Ethics Committee decided to call Dr. P.K. Julka to explain his points and happening raised in the complaint before the Ethics Committee at its next meeting at 4.30 p.m. in the first day.

22. **Clarification regarding Pathology Lab in the case of Dr. Sanjay Mehta, Secretary Indian Association of Pathologist & Microbiologist which is pending before the Hon'ble High Court, Allahabad (F. No. 67/2003)**

Read : the matter with regard to Clarification regarding Pathology Lab in the case of Dr. Sanjay Mehta, Secretary Indian Association of Pathologist & Microbiologist which is pending before the Hon'ble High Court, Allahabad (F. No. 67/2003)

The Ethics Committee considered the matter with regard to clarification regarding Pathology Lab in the case of Dr. Sanjay Mehta, Secretary Indian Association of Pathologist & Microbiologist which is pending before the Hon'ble High Court, Allahabad and decided to ask the office to enquire from Dr. Sanjay Mehta as well as Dr. M. P. Singh, CMO, Varanasi as to whether i) they are interested to know as to who is eligible to own a pathology lab or who is eligible to give reports of tests and ii) whether the legal case that is found mentioned in the letters has been complete and any judgement given. If so, a copy of the judgement may kindly be furnished to this Council.

23. **Complaint against Dr. (Mrs.) S. Batra at Marie Stopes Clinic, Rohini, Delhi as alleged by Mr. Jagdish (F. No. 104/2002)**

Read : the matter with regard to complaint against Dr. (Mrs.) S. Batra at Marie Stopes Clinic, Rohini, Delhi as alleged by Mr. Jagdish (F. No. 104/2002).

The Ethics Committee considered the matter with regard to complaint against Dr. (Mrs.) S. Batra at Marie Stopes Clinic, Rohini, Delhi as alleged by Mr. Jagdish and decided to call Dr. Sangeeta Batra at 2.30 PM in the first day of its next meeting with all the relevant documents. Professor Neera Aggarwal, HOD, Deptt. of Obst. & Gynae., GTB Hospital, Shahdara may be requested to be present at the same time to help the Ethics Committee in the matter.

The Ethics Committee further decided that all the relevant papers of the case may be sent to Professor Neera Aggarwal.

24. **Complaint against Dr. Meenu Soni as alleged by Mrs. Radhika Soni (F. No. 242/2004)**

Read : the matter with regard to complaint against Dr. Meenu Soni as alleged by Mrs. Radhika Soni (F. No. 242/2004)

The Ethics Committee pursued the case of complaint against Dr. Meenu Soni as alleged by Mrs. Radhika Soni and found that there were no ethical issues involved in the said complaint and nothing could be substantiated in this complaint.

Therefore, the Ethics Committee has decided to close this file with an intimation to the complainant and also to the alleged Doctor, Dr. Meenu Soni.

25. **Complaint against Management of Himalayan Institute of Medical Sciences, Dehradun as alleged by Mr. S.K.Gupta. (F.No.257/2004).**

Read: the matter with regard to complaint against Management of Himalayan Institute of Medical Sciences, Dehradun as alleged by Mr. S.K.Gupta.

The Ethics Committee considered the matter with regard to complaint against Management of Himalayan Institute of Medical Sciences, Dehradun as alleged by Mr. S.K.Gupta and decided to call Dr. (Ms.) Manjit Kaur, d/o Rajinder Singh, r/o 1-D/125, N.I.T., Faridabad on 28<sup>th</sup> September, 2004 at 10.00 a.m. of the next meeting of the Ethics Committee with registration particulars and internship completion certificate, all MBBS marksheet, 10+2 marksheet and class 10<sup>th</sup> Marksheet and any other relevant papers. If she fails to appear on the said date, ex-parte decision will be taken. The letter alongwith the complaint and annexures may be sent to her.

The Ethics Committee also decided to call the Principal, Himalayan Institute of Medical Sciences, Dehradun on 27<sup>th</sup> September, 2004 at 3.00 p.m. in the next meeting of the Ethics Committee with his comments alongwith all documents pertaining to this particular case. A copy of the complaint and other documents may be sent to the Principal, Himalayan Institute of Medical Sciences, Dehradun.

26. **Appeal against the order of Delhi Medical Council with regard to complaint against Dr. C. K. Jain at Hem Raj Jain Hospital & Maternity Home as alleged by Mr. Rajiv Wadhwa (F. No. 280/2004)**

Read : the matter with regard to an appeal against the order of Delhi Medical Council with regard to complaint against Dr. C. K. Jain at Hem Raj Jain Hospital & Maternity Home as alleged by Mr. Rajiv Wadhwa (F. No. 280/2004)

The Ethics Committee considered the matter with regard to an appeal against the order of Delhi Medical Council regarding complaint against Dr. C. K. Jain at Hem Raj Jain Hospital & Maternity Home as alleged by Mr. Rajiv Wadhwa and decided that the Council office received this complaint on 24.08.2004 and it has referred to the Delhi Medical Council as Dr. C. K. Jain was registered with Delhi Medical Council.

The DMC Disciplinary Committee has taken up the case and has given its judgement. However, Mr. Rajeev Wadhwa was not satisfied with the decision of Delhi Medical Council and he has appealed on 10.08.2004 to the MCI against the decision of DMC.

After going into the records of the case, the Ethics Committee decided to i) request the Secretary/Registrar, Delhi Medical Council to kindly sent the proceedings of the case of allegation of Mr. Rajeev Wadhwa, which was referred to them by MCI and ii) write to Dr. C. K. Jain, Hem Raj Jain Hospital and Maternity Home, Nursing Home No. 1, Block C-1, Janak Puri, New Delhi – 110 058 to kindly give his views/comments (with relevant documents in original) on the allegation. The letter dated 10.08.2004 of Mr. Rajeev Wadhwa may be sent to Dr. C. K. Jain.

27. **Complaint against Dr. Joginder Singh Kapoor at General Hospital, Hissar (F. No. 71/2004)**

Read : the matter with regard to complaint against Dr. Joginder Singh Kapoor at General Hospital, Hissar (F. No. 71/2004).

The Ethics Committee decided to send a reminder to the Civil Surgeon, General Hospital, Hissar forwarding the particulars of qualification and registration of Dr. Joginder Singh Kapoor. The Haryana Medical Council may be sent a copy of this letter to see whether Dr. Joginder Kapoor is registered with the Haryana Medical Council or not.

The Ethics Committee further decided to send another copy to the Director, Health Services, Haryana.

28. **Complaint against Dr. Rajneesh Kumar Mishra, Kashipur (Samastipur) Bihar for using fake degree as alleged by Dr. G. N. Singh of Leheriasarai (File No.55/2003).**

Read :The matter with regard to complaint against Dr. Rajneesh Kumar Mishra, Kashipur (Samastipur) Bihar for using fake degree as alleged by Dr. G. N. Singh of Leheriasarai.

The Ethics Committee considered the matter with regard to complaint against Dr. Rajneesh Kumar Mishra, Kashipur (Samastipur) Bihar for using fake degree as alleged by Dr. G. N. Singh of Leheriasarai and noted that the case was referred to Bihar Medical Council. Bihar Medical Council has investigated the case and has intimated their decision in letter dated 17.08.2004 wherein it was stated that no charge of using fake degree against Dr. Rajneesh could be substantiated.

The Ethics Committee noted that the Bihar Medical Council has dropped the case and considering this, it has decided to close the file.

29. **Complaint against Dr. (Mrs.) Laxmi Biswas at Rajasthan Sewa Sadan Hospital, Jamshedpur as alleged by Mr. Ajoy Kumar Seth (F. No. 322/2003)**

Read : The matter with regard to complaint against Dr. (Mrs.) Laxmi Biswas at Rajasthan Sewa Sadan Hospital, Jamshedpur as alleged by Mr. Ajoy Kumar Seth (F. No. 322/2003).

The Ethics Committee has gone into the complaint against Dr. Laxmi Biswas at Rajasthan Sewa Sadan Hospital, Jamshedpur as alleged by Mr. Ajoy Kumar Seth. This matter was referred to the Bihar Medical Council, Patna and response from Bihar Medical Council was received on 15.05.2004, which stated that the charges of medical negligence against Dr. (Mrs.) Laxmi Biswas could not be substantiated and they have dropped it. They have sent this information to the MCI.

The Ethics Committee noted this information given by the Bihar Medical Council and decided to close the file.

30. **Complaint against Dr. Surinder Singh Sandhu & Dr. Hardeep Singh Sohal as alleged by Dr. Suman Rani Goyal. (F. No. 217/2004)**

Read : the matter with regard to Complaint against Dr. Surinder Singh Sandhu & Dr. Hardeep Singh Sohal as alleged by Dr. Suman Rani Goyal. (F. No. 217/2004).

The Ethics Committee considered the matter with regard to Complaint against Dr. Surinder Singh Sandhu & Dr. Hardeep Singh Sohal as alleged by Dr. Suman Rani Goyal and decided that:-

- 1) To write to the complainant to inform the registration particulars of Dr. Surinder Singh Sandhu and Dr. Hardeep Singh Sohal for taking necessary action.
- 2) Asking for the same information, the Ethics Committee decided to send a letter to the IG (Prisons) of District Nabha, Patiala.
- 3) To write to Registrar, Punjab Medical Council to provide Registration particulars of these two Doctors.

31. **Health Insurance Scheme for School/College (F. No. 214/2004)**

Read : the matter with regard to Health Insurance Scheme for School/College.

The Ethics Committee considered the letter from Dr. S. Imkong Tushi dated 28.05.2004, who happened to be the Member of MCI. Dr. Tushi has requested the comments of the Ethics Sub-Committee regarding the statement of the Medical Superintendent of a Local Medical Centre in a brochure.

The Ethics Committee further decided to obtain the comments from the Medical Superintendent of Bethel Medical Centre, Kohima. The Ethics Committee further decided to send a reminder to the Director of Health Services, Nagaland to forward his comments vide Council letter dated 30.06.2004.

32. **WP (C) No. 317/2000 – Malay Ganguly Vs. MCI**

Read : the matter with regard to WP (C) No. 317/2000 – Malay Ganguly Vs. MCI.

The Ethics Committee considered the letter dated 28.08.2004 of Sh. Maninder Singh, Council Advocate, in respect of Case No. WP (C) No. 317/2000 – Malay Ganguly Vs. MCI, wherein he has requested this Council to take some action in view of the judgement of this particular case. The Secretary of the Council has requested the Ethics Committee to consider this matter.

The Ethics Committee, after due consideration, decided to recommend the following :-

Q. No. (i) Whether a medical practitioner can be allowed to seek and obtain registration with more than one State Medical Council?

Ans. – As such there is no necessity of Registration in more than one State Medical Council because any Doctor, who has registered with any State Medical Council is automatically registered in the Indian Medical Register and also by virtue of Section 27 of the IMC Act, 1956, a person, whose name is included in the IMR, can practise anywhere in India.

Q. No. (ii) If the answer of the above mentioned question is in the negative, then how to create a prohibition that no medical practitioner should be allowed to seek and obtain registration with more than one State Medical Council?

Ans. – As the answer of the above mentioned Q. No. 1 is in the negative, hence the prohibition is required stating that no medical practitioner should be allowed to seek and obtain registration with more than one State Medical Council. This may be done by doing necessary amendment of the IMC Act, 1956 or by amendment of MCI Regulations of 2002.

Q. No. – (iii). If the MCI is of the view that the registration with more than one State Medical Council should not be permitted then, in my view, either an amendment to the Act would be required or such prohibition should be considered to be imposed through an amendment of Regulations of 2000 of the MCI by clearly laying down that no medical practitioner shall be entitled to seek and obtain registration with more than one State Medical Council.

Ans. – By way of amendment as proposed in Ans. No. 2, the amendment may clearly state that “No medical practitioner shall be entitled to seek and obtain registration with more than one State Medical Council.”

Q. No. – (iv) In that event each State Medical Council would be required to be requested to ensure that while considering and granting permanent registration to any medical practitioner, it should obtain an affidavit/declaration from the applicant that he/she has neither sought nor has already obtained registration from any other State Medical Council.

Ans. – We agree with the proposal given by the Council Advocate.

Q. No. - (v) If any medical practitioner is found to be registered with more than one State Medical Council and there is a complaint of alleged medical negligence then, in my view, it would be that State Medical Council who would be empowered to consider the case of alleged medical negligence in whose territory the said alleged negligence has taken place.

Q. No. – (vi) Even if a medical practitioner is practicing in more than one State, in my view, it should be that State Medical Council in whose territory the said medical practitioner is predominantly practicing, which should grant registration to him/her. In this regard, your attention is invited to the relevant portion of the provisions of Section 33 and 34 of the Dentists Act, 1948 :-

“33 (1) A person shall be entitled on payment of the prescribed fee have his name entered on the register when it is first prepared, if he resides or carries on the profession of dentistry in the State and if he –

- a) Holds a recognized dental qualification, or
- b) .....

34. (1) After the date appointed under Sub-section (2) of Section 32 a person shall, on payment of the prescribed fee, be entitled to have his name entered on the register of dentists, if he resides or carries on the profession of dentistry in the State and if he -

- i) Holds a recognized dental qualification, or .....

Ans. – (v) & (vi) In case of medical practitioner, who is registered with more than one State Medical Council against whom there is a complaint of alleged medical negligence, his case may be dealt with as under :-

- a) If the negligent Act has taken place in the territory of State Medical Council with which he had already registered, then it will be tackled by that State Medical Council.
- b) If the alleged negligent Act has taken place in a territory of a State with which he has not registered, in that case, the matter will be dealt with by the State Council with which he has registered first.
- c) If the alleged negligent Act has taken place in anywhere else in the country where no State Medical Council is existing, then the case will be dealt with by the Council with which he has registered first.
- d) Those issues, of which the violation falls within the purview of the MCI, the action will be taken by the MCI. In view of the fact that medical education comes under the purview of the MCI, hence all matter pertaining to medical teachers and Principals/Deans of different medical colleges, will be directly dealt with by the MCI wherein unethical act has taken place as per MCI Regulations.

It is the feeling of the Ethics Committee that MCI should ultimately cease to be a primary registering authority except for such States, who do not have a State Medical Council at present and this responsibility should also cease when such medical councils are created.

The Ethics Committee recommends that as Medical Council of India is the custodian of the IMR, all Doctors registering in a State Medical Council would also fill a separate form and pay such necessary fees as are fixed. The form along with the fees including a copy of the registration certificate is issued by State Medical Council along with a photograph of the Doctor duly pasted and attested by State Medical Council, shall be sent for each Registered Doctor to the MCI for inclusion of the names in the IMR. The MCI shall keep detailed records of the Doctors by scanning all the materials submitted.

This may be placed before the Executive Committee of the Council for consideration.

33. **Status Report of the case considered by the Ethics Committee.**

Read: the matter with regard to status report of the case considered by the Ethics Committee.

The Ethics Committee has prepared a status report of the cases considered by it since 10.12.2001 in its last meeting held on 26<sup>th</sup>/27<sup>th</sup>/28<sup>th</sup> August, 2004.

In view of above, the Ethics Committee decided to prepare another status report in its next meeting because the last meeting being held only a few days back.

34. **Date & Venue of the next meeting.**

The Ethics Committee decided to hold its next meeting on 27<sup>th</sup> & 28<sup>th</sup> September, 2004.

The meeting ended with the vote of thanks to the chair.

**(Dr. Davinder Kumar)**  
**DEPUTY SECRETARY**

**A P P R O V E D**

**(DR. INDRAJIT RAY)**  
**CHAIRMAN**

Dated the 3<sup>rd</sup> September, 2004,  
New Delhi.



