

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

Minutes of the meeting of the Ethics Committee held on 1<sup>st</sup> December, 2011 at 10.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi.

1.	Prof. Sneh Bhargava	Chairman
2.	Dr. Anil Dhal	Member
3.	Dr. Y. K. Gupta	Member
4.	Dr. Vinay Sakhuja	Member
5.	Dr. (Prof.) Chander Shekhar Shetty	Member
6.	Prof. Kumudini Sharma	Member
7.	Dr. Sanjay Gupte	Member
8.	Dr. Raja Babu Panwar	Member
9.	Sh. Amit Bansal	Member
10.	Dr. Davinder Kumar	Joint Secretary, MCI

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

The Minutes of the Ethics Committee meeting held on 1<sup>st</sup> November, 2011 were confirmed with addition in reference to following:-

**General:** As apprised by the Secretary, Medical Council of India , the Ethics Committee unanimously agreed for initiating action letters as per the decision of Ethics Committee which are organizational/operational in nature viz. Calling for next meeting, forwarding to State Medical Council and other call/hearing letters, etc. without waiting for the confirmation of the minutes in the next meeting.

**Item No. 9:** Appeal against the activities and order dated 26.10.2007 passed by Rajasthan Medical Council made by Sh. Ajeet Singh Singhvi, IAS (Retd.)- Review of recommendations of Ethics Committee of Medical Council of India.(F.No. 277/2007).

Secretary, Medical Council of India ensured that she would enquire how could the letter dated 18.05.2011 was sent by the, the then Deputy Secretary, Medical Council of India without approval of Board of Governors and how could the letter dated 26.05.2011 was sent for recalling the earlier letter dated 18.05.2011 that also without approval of Board of Governors. Why both the letters disappeared from file and where was the approval of Board of Governors for sending letter dated 18.05.2011 and 25.05.2011. The said matter will be taken after the enquiry report from Secretary, Medical Council of India.

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

Wherein Secretary, Medical Council of India pleaded for providing hearing to both the parties before deciding the case, as hearing is required before final decision. The decision was recorded, in the minutes there & then only when it was placed before the members of Ethics Committee and Chairman Ethics Committee for confirmation (signature).

**02. Minutes of the last meeting of the Ethics Committee meeting held on 27.09.2011- Action taken there on.**

The Ethics Committee noted the action taken on the items of the minutes of meeting of the Ethics Committee held on 27.09.2011

**03. Appeal against order dated 14.09.2011 passed by Orissa Medical Council filed by Mrs. Jayeeta Verma Sarkar. (F.No.466/2011).**

The Ethics Committee considered the appeal of Mrs. Jayeeta Verma Sarkar against the order of Orissa Medical Council dated 14.09.2011 wherein the appellant Mrs. Jayeeta Verma Sarkar has alleged medical negligence and professional misconduct on the part of Dr. Jayanarayan Naik.

The Ethics Committee decided to call both the parties for hearing with all the medical records/supportive documents available with them in the subsequent meeting.

**04. Appeal against order dated 16.06.2011 passed by Assam Council of Medical Registration filed by Sh. Debojit Acharjee. (F.No.25/2011)**

The Ethics Committee considered the appeal of Sh. Debojit Acharjee against the order of Assam Council of Medical Registration dated 16.06.2011 wherein the appellant Sh. Debojit Acharjee had alleged medical negligence and professional misconduct on the part of Dr. Jayanta Das.

The Ethics Committee decided to take opinion of Dr. Rajat Ray, Deptt. of Psychiatry, All India Instt. of Medical Sciences, New Delhi. Therefore, the Ethics Committee decided to send all the documents related to this case to Dr. Rajat Ray with a request to give his opinion within two weeks.

**05. Appeal against order dated 19.04.2010 passed by Delhi Medical Council made by Mr. Anil Kumar Mahato- Review of recommendations of Ethics Committee of Medical Council of India. (F.No. 826/2010).**

The Ethics Committee considered the appeal of Mr. Anil Kumar Mahato against the order of Delhi Medical Council dated 19.04.2011 wherein the appellant Mr. Anil Kumar Mahato had alleged medical negligence and professional misconduct on the part of Dr. Arvind Gupta and Dr. Madhu Karna.

The Ethics Committee noted that as suggested by the High Court of New Delhi under WP(c) 5058/2011 & WP (c) 6084/2011 dated 16<sup>th</sup> September, 2011, the above doctors need not undergo CME programs only in the hospitals where they have undergone sub specialty training. They have to undergo 15 days of continuous Medical Education Program (CME) and continuous professional development program (CPD) every year for three years in Ophthalmology, especially in their respective areas of sub specialty. They can participate in workshops, Seminars, symposium, panel discussions, clinical meetings, Journal clubs, teaching programs etc. in recognized international, National and State conferences and teaching institutions. They can participate in teaching programs in their own institutions of repute. They can participate in such programs in the institutions where they obtained their sub specialty training. Six monthly report of such training to be submitted to Secretary, Medical Council of India for the next three years as compliance.

**06. Complaint against 1) Dr. Sudha Salhan, (2) Dr. Uma Goyal, (3) Dr. R.R. Kishore against whom the FIR's/RCs have been registered by CBI, New Delhi as alleged by Sh. Pankaj Kumar advocate (File No.182/2011).**

The Ethics Committee noted that the Council had received a complaint by email dated 05.05.2011 from Sh. Pankaj Kumar, Advocate, Tis Hazari Court, Delhi against the following doctors (1) Dr. Sudha Salhan, (2) Dr. Uma Goyal, (3) Dr. R.R. Kishore against whom the

FIR's/RCs have been registered by CBI, New Delhi with a request to kindly take proper action against them under the statutory provisions Indian Medical Council (Professional Conduct, Etiquette and Ethics), Regulations, 2002.

The matter was considered by the Ethics Committee at its meeting held on 10.05.2011 and it was decided to ask for the complaint in a prescribed format.

The above decision was communicated to Mr. Pankaj Kumar vide Council's letter dated 19.05.2011.

In response to above, Sh. Pankaj Kumar has sent a complaint in prescribed format.

The matter was considered by the Ethics Committee at its meeting held on 23.08.2011 and the decision was as under :-

*"The Ethics Committee considered the complaint against Dr. Sudha Salhan, Dr. Uma Goyal and Dr. R.R. Kishore and noted that Clause 7.5 of Indian Medical Council (Etiquette and Ethics) Regulations, 2002 states as under:-*

**"MISCONDUCT :**

*The following acts of commission or omission on the part of a physician shall constitute professional misconduct rendering him/her liable for disciplinary action:-*

*Conviction by Court of Law: Conviction by a Court of Law for offences involving moral turpitude / Criminal acts."*

*Therefore, the Ethics Committee decided to obtain a legal opinion by Law Officer, Medical Council of India in the matter."*

Sh. Amit Kumar, Legal Retainer vide his letter dated 26.09.2011 has furnished the legal opinion in the case.

Now, the Ethics Committee after going through the legal opinion, was of the view that in this matter it would be prudent on the part of the Committee to await for the outcome of criminal proceedings initiated against these three doctors.

**07. Appeal against order dated 17.03.2011 passed by Delhi Medical Council filed by Sh. Parveen Kumar Sharma. (F.No.209/2011).**

The Ethics Committee considered the appeal of Sh. Parveen Kumar Sharma against the order of Delhi Medical Council dated 17.03.2011 wherein the appellant Sh. Parveen Kumar Sharma had alleged medical negligence and professional misconduct on the part of doctors of E.S.I Hospital, Basaidarapur, New Delhi

Delhi Medical Council passed an Order dated 17.03.2011 in the above matter. The operative part of the decision is as under:-

*"The Delhi Medical Council observes the patient was admitted for dizziness with pregnancy of five months duration. Hydration drip was given. All investigations done were found to be within normal limits. Sudden massive bout of epistaxis/Haematemesis probably caused aspiration which led to collapse of patient. Despite all resuscitative measures, patient could not be revived.*

*It is , therefore, the decision of Delhi Medical Council that no medical negligence can be attributed on the part of doctors of E.S.I Hospital in the treatment administered to late poonam Sharma*

*Complaint stands disposed."*

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

*“The appellant Sh. Parveen Kumar Sharma in his appeal has alleged medical negligence and professional misconduct on the part of doctors of E.S.I. Hospital.*

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

*Let a complete set of records of the case be summoned from Delhi Medical Council and Hospital authorities. The Hospital Authorities may further be asked whether an autopsy was done or not as death took place within 24 hours of admission and should be treated as medico-legal and to submit a copy of death certificate. On receipt of the above documents, the matter may be placed before the Ethics Committee.”*

Accordingly, a letter was sent to Registrar, Delhi Medical Council and another letter sent to the Medical Superintendent, ESI Hospital, Basaidarapur, New Delhi vide this office letter dated 21.09.2011.

In reference to the above, Secretary, Delhi Medical Council vide letter dated 29.09.2011 and the Medical Superintendent ESI Hospital, Basaidarapur, New Delhi vide letter dated 10.10.2011 submitted the records.

As per above decision, the Council vide its letter dated 25.11.2011 requested Sh. Praveen Kumar Sharma and Medical Superintendent, ESI, Hospital, New Delhi to appear before the Ethics Committee on 01.12.2011 at 4.00 p.m.

The relatives of the patients appeared before the Ethics Committee and given full opportunity to express their views. Dr. Tara Gupta, Dr. Sangeta Gupta, Dr. S.R. Chauhan, Dr. Sarita Gupta, Dr. Yumnam Nelson & Dr. Abhay Anad of ESI Hospital, Basaidarapur, New Delhi appeared before the Ethics Committee and after detailed discussion, taking in to consideration the sequence of events, cross questioning with all the doctors & after examining records of the patient, the Committee is of the opinion that there is no negligence on the part of doctors of ESI Hospital, Basaidarapur, New Delhi. The patient succumbed in spite of timely resuscitative measures given by the doctors. However, no definite diagnosis could be arrived at by the team of doctors for the cause of death of patient. No postpartum was conducted because no foul play was suspected. Medical Superintendent and consultant were advised to ensure proper communication with the family giving them confidence that necessary care is being taken and allay their feeling of neglect.

It appears that there was gap of communication between health care providers and patient's family. Now, the circumstances have been better explained to the patient's family. Therefore, the Committee upheld the decision of Delhi Medical Council .

**08. Appeal against order dated 15.02.2011 passed by Delhi Medical Council filed by Dr. Amit Kumar Singh.**

The Ethics Committee noted that Dr. Amit Kumar Singh filed an appeal dated 14.06.2011 against the order dated 15.02.2011 passed by Delhi Medical Council.

Delhi Medical Council passed an Order dated 15.02.2011 in the above matter. The operative part of the decision is as under:-

*“In light of the observations made hereinabove, it is the decision of the Delhi Medical Council that, Dr. Amit Kumar Singh failed to exercise reasonable degree of skill, care and knowledge expected of an ordinary prudent doctor in the treatment administered to late pappu. The Delhi Medical Council, therefore, direct that the name of Dr. Amit Kumar (DMC registration No.38135) be removed from State Medical Register of Delhi Medical Council for a period of three months. Dr. Amit Kumar Singh is directed to attend 15 hours of continuing Medical Education (CME) on the subject of Surgery during the period of Punishment and submit a*

compliance report to that effect to the Delhi Medical Council. It is further observed that Dr. Amitabh Aggarwal also failed to adequately monitor the clinical condition of the patient in post-operative period that is after surgery when the patient was in the recovery room under his care till 4.30 pm. The Delhi Medical Council therefore, directs that the name of Dr. Amitabh Aggarwal (DMC registration No. 25369) be removed from the State Medical Register of Delhi Medical Council for a period of three months and Dr. Amitabh Aggarwal is directed to attend 15 hours of Continuing Medical Education (CME) on the subject of critical care during the period of punishment and submit a compliance report to that effect to the Delhi Medical Council.

The Delhi Medical Council further clarified that the act or omissions on the part of Dr. Amit Kumar and Dr. Amitabh Aggarwal in the management of this appeal were not reckless or patently wanton to invite criminal liability.

The Delhi Medical Council also observed the order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of order.

A copy of this order be also sent to Directorate of Health Services with request to take note of the deficiencies in the hospital set-up at Guru Govind Singh Government Hospital and to initiate remedial measures.

*Matter stands disposed."*

The matter was considered by the Ethics Committee at its meeting held on 23.08.2011 and the decision was as under:-

*"The Ethics Committee considered the appeal filed by Dr. Amit Kumar Singh against the order dated 15.02.2011 passed by Delhi Medical Council and noted that the Delhi Medical Council vide Order dated 15.02.2011 held that the name of Dr. Amit Kumar be removed from State Medical Register for a period of three months.*

*The appellant Dr. Amit Kumar Singh in his appeal has stated that he was not satisfied with the decision of the State Medical Council.*

*The Ethics Committee decided that a request should also be made to the Delhi Medical Council to furnish the complete records/documents of the case after which Dr. Amit Kumar Singh should be called for hearing before the Ethics Committee with the post operative monitoring records at its meeting. The Committee decided that a Convenor, of the previous, Ethics Committee would review this case."*

The matter was considered by the Ethics Committee at its meeting held on 27.09.2011 and the decision was as under :-

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

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

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

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

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

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

*Based on what is available the opinion was as follows:*

*a. There was complete lack of supervision on part of Hospital administration and senior staff.*

*b There is no explanation as to why a routine hernia was being operated upon on Sunday.*

*c Dr Amit Singh, though a senior resident ,did not exercise adequate care and skill. Even if there was no USG ,Blood Bank the minimum he could have done is to shift the patient to tertiary center.*

*d He did not call or inform any senior person when patient's condition was continuously deteriorating.*

*e Punishment of 3 months removal of name is the mildest and is not sufficient when one considers the fact that the patient was a healthy 17 years old young boy.*

*g If it is legally feasible we should enhance the punishment.*

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

As per above decision, the Council vide its letter dated 17.11.2011 requested Dr. Amit Kumar Singh to appear before the Ethics Committee on 01.12.2011 at 2.30 p.m.

The Secretary, Delhi Medical Council vide its letter dated 05.10.2011 had furnished all the records.

Dr. Amit Kumar Singh appeared before the Ethics Committee. After hearing Dr. Amit Kumar Singh and going through all the available records, the Committee rejected his appeal and upheld the decision of Delhi Medical Council.

**09. Matter with regard to Dr. M. Saravana Vivek who has allegedly worked at more than one medical college, simultaneously. (F.No. 464/2011).**

The Ethics Committee considered the Matter with regard to Dr. M. Saravana Vivek who has allegedly worked at more than one medical college simultaneously. Dr. M. Saravana Vivek and Dr. T. Chandrashekar, Dean of Meenakshi Medical College & Research Institute, Kanchipuram appeared before the Committee. The Ethics Committee heard Dr. M. Saravan Vivek as well as Dr. T. Chandrashekar, Dean of Meenakshi Medical College & Research Institute, Kanchipuram. After hearing both of them, the Committee came to the conclusion that Dr. M. Saravan Vivek should submit an affidavit to the Medical Council of India stating therein that in future he will not commit this kind of mistake and comply with all the rules and regulations of Medical Council of India and the case may be treated as closed.

The Committee noted the absence of Dean, Sri Venkateshwara Medical College & Research Centre, Pondicherry and decided to direct the Dean, Sri Venkateshwara Medical College & Research Centre, Pondicherry to appear in person before the Ethics Committee at its ensuing meeting that would be held on 10.01.2012 failing which an ex-parte decision will be taken.

**10. Matter with regard to Dr. K. Chandra Mohan Prakash who has allegedly worked at more than one medical college, simultaneously.(F.No. 465/2011)**

The Ethics Committee considered the matter with regard to Dr. K. Chandra Mohan Prakash who has allegedly worked at more than one medical college, simultaneously. The Committee noted that all the letters be returned undelivered from Dr. K. Chandra Mohan Prakash. Now the Committee decided to issue a fresh letter to Dr. K. Chandra Mohan Prakash through the State Medical Council and direct him to appear before the next meeting of Ethics Committee on 10.01.2012 failing which an ex-parte decision will be taken.

Dr. D. Rajagovindan, Dean of Sri Manakula Vinayagar Medical College & Hospital appeared and was heard by the Ethics Committee. He submit that he was not aware that Dr. Chandra Mohan Prakash was working for another medical college i.e. Sri Venkateshwara Medical College & Research Centre, Pondicherry.

The Committee noted and viewed the absence of Dean, Sri Venkateshwara Medical College & Research Centre, Pondicherry seriously and decided to direct the Dean, Sri Venkateshwara Medical College & Research Centre, Pondicherry to appear in person before the Ethics Committee at its ensuing meeting that would be held on 10.01.2012 failing which an ex-parte decision will be taken.

**11. Necessary action required to be taken by the Medical Council of India for removing the names from the Indian Medical Register.(F.No. 135/2011)**

The Ethics Committee noted that the Council has received a letter dated 23.03.2011 from Sh. Manohar Malik, Advocate, Delhi addressed to Dr. S.K. Sarin, Chairman, Board of Governors, MCI, New Delhi.

Sh. Manohar Malik has requested to kindly take necessary action for removal from the Indian Medical Register of the names of the doctors (as mentioned in the letter) who are registered by Indian Medical Council, against whom as mentioned FIRs have been registered by the CBI for gross misconduct as defined in the Ethics Regulations of your esteemed organization.

The matter was considered by the Ethics Committee at its meeting held on 10.05.2011 and decided that the complainant should be directed to file the complaint in the prescribed format.

The above decision was communicated to Mr. Manohar Malik vide Council's letter dated 19.05.2011.

In response to above, Sh. Manohar Malik has sent an appeal in prescribed format.

The matter was considered by the Ethics Committee at its meeting held on 23.08.2011 and the decision was as under :-

"The Ethics Committee considered the matter and noted that the complainant has sent an appeal in a prescribed format. Now, the Ethics Committee noted that Clause 7.5 of Indian Medical Council (Etiquette and Ethics) Regulations, 2002 states as under:-

**"MISCONDUCT :**

*The following acts of commission or omission on the part of a physician shall constitute professional misconduct rendering him/her liable for disciplinary action:-*

*Conviction by Court of Law: Conviction by a Court of Law for offences involving moral turpitude / Criminal acts."*

Therefore, the Ethics Committee decided to obtain a legal opinion in the matter and after the opinion was received it will be placed before the Ethics Committee at its subsequent meeting.”

Sh. Amit Kumar, Legal Retainer vide his letter dated 26.09.2011 has furnished the legal opinion in the case.

The Committee, therefore decided that unless and until they are convicted by the Court the Committee cannot erase the name from IMR according to Clause 7.5 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 which is as under:-

**“MISCONDUCT :**

*The following acts of commission or omission on the part of a physician shall constitute professional misconduct rendering him/her liable for disciplinary action:-*

*“Conviction by Court of Law: Conviction by a Court of Law for offences involving moral turpitude / Criminal acts.”*

**(Dr. Davinder Kumar)**  
**Joint Secretary**

**APPROVED BY**

**(Prof. Sneh Bhargava)**  
**Chairman**

Dr. Anil Dhal  
Member

Dr. Y. K. Gupta  
Member

(Dr. Vinay Sakhuja)  
Member

Dr. (Prof.) Chander  
Shekhar Shetty  
Member

(Prof. Kumudini Sharma)  
Member

Dr. Sanjay Gupte

(Dr. Raja Babu Panwar)  
Member

Sh. Amit Bansal  
Member

**New Delhi,**  
**1<sup>st</sup> December, 2011.**