

MEDICAL COUNCIL OF INDIA
NEW DELHI

The draft minutes of the meeting of the Ethics Committee held on 19th June, 2012 at 10.30 a.m. in the Council office, Sector-VIII, Pocket-14, Dwarka, New Delhi.

Present:

1.	Prof. Sneh Bhargava	-Chairman
2.	Dr.S.C.Shetty	-Member
3.	Dr.(Mrs) Kumudini Sharma	-Member
4.	Dr.Anil Dhal	-Member
5.	Dr.R.B.Panwar	-Member
6.	Dr.Atul Sood	-Member
7.	Dr.Sanjay Gupte	-Member
8.	Shri Amit Bansal	-Advocate Member
	Dr. P.Prasannaraj	-Addl. Secretary
	Dr. M. Rajalakshmi	-Chief Consultant(Academic Cell)

Leave of absence was received from Dr. Arun Bal, Dr. Vinay Sakhuja, Dr. Y.K. Gupta.

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

The Minutes of the Ethics Committee meeting held on 15th May, 2012 were confirmed.

2. Minutes of the last meeting of the Ethics Committee-Action taken there on.

The Ethics Committee noted the action taken on the minutes of the Ethics Committee held on 15.04.2012.

3. Complaint against various doctors of Melmaruvathur Adiparasakthi Instt. of Medical Sciences, Melmaruvathur, Tamil Nadu giving false and misleading information regarding their working as full time faculty as alleged by CBI case in RC25(A)/2010 of ACB,Chennai.

Read: the matter with regard to complaint against various doctors of Melmaruvathur Adiparasakthi Instt. of Medical Sciences, Melmaruvathur (MAIMS), Tamil Nadu giving false and misleading information regarding their working as full time faculty as alleged by CBI case in RC25(A)/2010 of ACB, Chennai vide letter dt.27.2.12 reference No.C2/RC.25(A)/2010/CBI/ACB/Chennai.

The Ethics Committee after deliberating on the issue, took a serious note of the report from the CBI and decided to issue show cause notice to all the 32 doctors of MAIMS mentioned in the CBI Report, as well as Dr. Shashikant Patel, Dean of MAIMS, Dr. Ramesh T. , MAIMS and Dr. Kalai Selvi (MAIMS) who issued appointment orders to appear before the Ethics Committee in the meeting scheduled on 21st August, 2012 at 11.00 a.m. alongwith all documentary evidence in support.

It was also decided that letter be issued to ACB, CBI, Chennai to provide documents in support of their complaint against the said 32 doctors regarding their having been employed elsewhere.

The Committee also directed the concerned Section of the Council for following action which reads as under:-

- (i) Provide relevant assessment report dt.16-17th February, 2010 and compliance verification assessment report dt.29th March, 2010.
- (ii) Provide details of Assessors who conducted the Compliance Verification Assessment.

(iii) Verify records maintained by the Council to check if the said doctors have been employed in any other medical college other than MAIMS during the said academic session of compliance verification assessment.

4. **Appeal made by Mr. K.C. Aggarwal against Dr. Charanjit Singh (F.No.828/2010).**

The Ethics Committee considered the matter with regards to appeal made by Mr.K.C.Aggarwal against Dr.Charanjit Singh and noted that the complaint has been pending before the Punjab State Medical Council, Since Oct., 2009, despite Ethics Committee's direction to the said Council vide letter dated 30.12.10, to decide the said matter within 3 months under intimation to Medical Council of India.

In view of above, the Ethics Committee considered the appeal made by Mr. K.C. Aggarwal against Dr. Charanjit Singh and decided to call both the parties for personal hearing in its meeting scheduled on 17th July, 2012.

5. **Appeal against order dated 14.10.2011 passed by Uttar Pradesh Medical Council filed by Sh. Sudhir Kumar Srivastava (F.No. 272/2011).**

The Ethics Committee considered the appeal against the order dated 14.10.2011 passed by Uttar Pradesh Medical Council filed by Sh. Sudhir Kumar Srivastava and on the basis of legal opinion of the Council Retainer Advocate, decided that the State Medical Council did not have the jurisdiction to review its own earlier decision. Therefore, appeal filed against the said order dt.14.10.2011 passed by the State Medical Council will not be maintainable. The complainant may decide to file an appeal against the original order dt. 3rd August, 2011 passed by the State Medical Council, U.P. before the Medical Council of India for taking suitable action. Appeal accordingly disposed off.

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

The Ethics Committee considered the legal opinion given by the Council Retainer Advocate as well as various orders passed by the Hon'ble Delhi High Court in WP(C) No. 4851/2011 and other pleadings filed in the High Court. The enquiry report has to be filed before the Hon'ble High Court on an urgent basis. The Committee is of the view that prima facie it has the jurisdiction to enquire into the issue. Accordingly, hearing notice may be sent to Dr. Vinay Kumar Aggarwal, Dr. Surender Pratap Singh as well as complainants Dr. Pankaj Singhal, Dr. M.C. Gupta & Dr. Babu K.V. requesting them to be present for hearing on 17th July, 2012 at 4.00 p.m alongwith all documentary evidence in support of their contention. Dr. Vinay Kumar Aggarwal to provide all information with regard to registration of Dr. Surender Pratap Singh, who was working under him.

7. **Complaint against Dr. S.C. Jaiswal forwarded by the Supdt. Of Police, CBI, Jabalpur (F.No. 124/2011).**

The Ethics Committee considered the letter dt. 21st April, 2012 from Dr. Jaiswal alongwith the copy of the M.P. High Court order dt. 24.11.2010 suspending his prison term during the pendency of his appeal. Taking into account that his registration has been under suspension for 13 months and the order dated 24.11.2010 of the High Court and the fact that he is more than 63 years old, the Committee decided that the period of suspension/removal of his name from the Indian Medical Register already awarded to Dr. S.C. Jaiswal vide Memo No.MCI-211(2)(124)/2011/Ethics/11170, dt.18.5.2011 be treated as the punishment to him.

In view of above, complaint stands disposed off.

8. **Appeal dated 04.08.2011 filed by Sh. Ramesh Kumar Khatri, Nambardar against Saxena Multispecialty Hospital, Sonipat and Sir Gangaram Hospital, New Delhi.**

The Ethics Committee considered the appeal against complaint dated 04.08.2011(159808/12.03.2012) (File No. Nil).

Appeal in reference to complaint dated 04.08.2011 to MCI-211(2)(394)/2011-Ethics./Endst No. MCI-211(2)(394)/2011-Ethics./33487 against complaint against Saxena Multi specialty Hospital, Sonipat and Sir Gangaram Hospital, New Delhi.

No decision from Haryana State Dental and Medical Council and Delhi Medical Council until now (14.01.2012), so appeal lodged.

It is observed that it is primarily a complaint against Saxena Multi specialty Hospital, Sonipat against Advertisement. The matter was discussed and Committee gave the following directions to concerned doctors of Saxena Multi Specialty, Sonipat:-

1. No soliciting/ advertisement as per MCI norms.
2. All documents (OPD, IPD records) and prescription should carry registration number along with concerned doctors name.
3. All outsourced facilities should be supported by an agreement/MOU.
4. All hospital staff to wear identity badges.
5. The hospital is having Radio-Diagnosis facility and hence hospital must submit Atomic Energy Regulatory Board (AERB) approval certificate of the building and machine type. Radiation safety records of machine and personnel are mandatory and must be maintained.

The hospital is directed to comply with the above and send intimation to the council within 4 weeks. Compliance once received may be placed before the Ethics Committee.

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

The Ethics Committee considered the Appeal against order dated 18.11.2011 passed by Uttar Pradesh Medical Council filed by Sh. Ghulam Abbas against Dr. Aroti Ghosh and noted that no one was present for their hearing on behalf of Appellant and respondent, in response of the notice sent for today.

In view of above, the matter is adjourned for its subsequent meeting. Subsequent hearing notice to parties should mention that upon the failure of parties to appear on the next date i.e 17.07.2012, the matter will be decided ex-parte.

10. **Appeal against order dated 07.06.2010 passed by Delhi Medical Council made by Mr. S.P.Manchanda.(F.No.597/2010)**

The Ethics Committee considered the appeal against order dated 07.06.2010 passed by Delhi Medical Council made by Mr. S.P. Manchanda and noted that a letter requesting adjournment was received on behalf of advocates representing Max Hospital on the grounds that the Sr. Counsel representing them was not in town. This letter was also forwarded to the complainant, Mr. S.P. Manchanda, who is not present for the hearing today.

In view of above, the matter be adjourned to the subsequent meeting of the Ethics Committee on 17.07.2012 and parties be informed of the same.

11. 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.

Appeal/complaint filed by Sh. Ramesh Kumar Khatri Numbardar on 12.03.2012.

S.No.	Appeal/complaint	Basis of complaint/appeal	Name of concerned doctors/ hospital.	Decision
1.	Appeal vide no. 159805 against DMC order dated 30.12.2011	Appeal against order against Delhi Medical Council. "No case of medical negligence is made out in the treatment administered to late Smt. Anita at Sir Ganga Ram Hospital. Complaint stands disposed."	1.The Director Medical, Sir Ganga Ram Hospital, New Delhi. 2. Dr. Nitin, Sir Ganga Ram Hospital, New Delhi.	
2.	Appeal vide no. 159813 against the report filed by Haryana Medical Council in reference to complainant letter dated 17.03.2011	Haryana Medical Council letter to the MCI dated 12.10.2011 endorsing with the enquiry report dated 01.07.2011 and comments submitted by the Committee constituted by Civil Surgeon, Sonipat wherein the Committee found no negligence on the part of attending doctors.	Dr. Ramesh Sethi, CMO, Sonipat who forwarded the enquiry report mentioned below. Committee members who submitted enquiry report:- 1. Dr. Krishan Tehlan. 2. Dr. R.K.Kataria. 3. Dr. Chander Prakash Arora. Doctors of Sethi Amar Hospital, Sonipat :- 1. Dr. Anurg Arora 2. Dr. Anupama Sethi. Doctors of Saxena Multi Speciality Hospital, Sonipat :- 1. Dr. D.K.Srivastava 2. Dr. Garima Sharma 3. Dr. Divya Saxena	

3.	Appeal vide no. 159811 against Delhi Medical Council for sending the complaint the Haryana Medical Council and no action taken by both the Councils.	Not satisfied with (a) Order of the Delhi Medical Council is referred at S.No.2 and (b) Order of the Haryana State Medical and Dental Council is referred at S.No.3.	<p>Doctors of Sethi Amar Hospital, Sonipat :-</p> <p>1. Dr. Anurag Arora 2. Dr. Anupama Sethi.</p> <p>Doctors of Saxena Multi Speciality Hospital, Sonipat :-</p> <p>1. Dr. D.K.Srivastava 2. Dr. Garima Sharma 3. Dr. Divya Saxena</p> <p>1. The Director Medical, Sir Ganga Ram Hospital, New Delhi.</p> <p>2. Dr. Nitin, Sir Ganga Ram Hospital, New Delhi.</p>	<p>The pointwise reasons (1 to 33) for all the three appeals is verbatim same.</p> <p>Hence, the Committee may review the appeal/complaint and select the doctors to be summoned for hearing.</p>
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12. Draft Minutes of "Ethical guidelines for Medical Education and Medical Practice".

The Ethics Committee was taken by surprise that new draft Guidelines are being framed by the Sub-Committee of MCI without the knowledge/participation of the Ethics Committee.

In order to fully understand and meaningfully deliberate the proposed guidelines, the Ethics Committee will like to know the terms of reference of the said Sub-Committee constituted by the Board of Governors. Hence the matter was deferred

(Dr. P.Prasannaraj)
Additional Secretary

(PROF. SNEH BHARGAVA)
CHAIRMAN

Dr. S. C. Shetty
(Member)

Prof. Kumudini Sharma
(Member)

Dr. Anil Dhal
(Member)

Dr. R. B. Panwar
(Member)

Dr. Atul Sood
(Member)

Dr. Sanjay Gupte
(Member)

Shri Amit Bansal,
Advocate Member

New Delhi, approved on: 17.07.2012