

No. MCI-6(2)/2002-Med./
MEDICAL COUNCIL OF INDIA

GENERAL BODY

122 Session

Minutes of the meeting held on 16th October, 2002

The Council met in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-110 002 on 16th October, 2002 at 11.00 a.m. with Maj Gen (Retd) SP Jhington, Kirti Chakra, VSM, Administrator, Medical Council of India in the Chair.

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Present :

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| 1. Maj Gen (Retd) SP Jhington,
Kirti Chakra, VSM | - Administrator |
| 2. Dr. Ajay Kumar | 27. Dr. M.K. Bhowmik |
| 3. Dr. A.C. Borah | 28. Dr. M. Amusna Singh |
| 4. Dr.A. Rajasekaran | 29. Dr. N.B. Singh |
| 5. Dr. Amrith Lal | 30. Dr. Naveen Nahar |
| 6. Dr. B.C.Chhapparwal | 31. Dr. Nitin S. Vora |
| 7. Dr. B. P. Dubey | 32. Dr. P.C.Kesavankutty Nayar |
| 8. Dr. B. A. Rudrawadi | 33. Dr. P.K. Patel |
| 9. Dr. B. S. Kothari | 34. Dr. P.M. Jadhav |
| 10. Dr. Bijoy Mukherjee | 35. Dr. P.K.Mukherjee |
| 11. Dr. C.S. Jayachandran | 36. Dr. Prem Aggarwal |
| 12. Dr. C.V. Bhirmanandham | 37. Dr. (Mrs.) Rani Bhaskaran |
| 13. Dr. D. J. Borah | 38. Dr. Sahaja Nand Prasad Singh |
| 14. Dr. D. K. Sharma | 39. Dr. S.B.Siwach |
| 15. Dr. F.U. Ahmed | 40. Dr. S.S. Yadav |
| 16. Dr. G.Sham Sunder | 41. Dr. Subhash J. Penkar |
| 17. Dr. G.B. Gupta | 42. Dr. Samar Deb |
| 18. Dr. H.L. Kapoor | 43. Dr. Silvano C.A.Dias Sapeco |
| 19. Dr. H.P. Bhalodiya | 44. Padamshree Dr.(Mrs.)Usha
Sharma |
| 20. Dr. Indrajit Ray | 45. Dr. U.G.Nachinolcar |
| 21. Dr. (Mrs.) Joba H. Soren | 46. Dr. Ved Prakash Mishra |
| 22. Dr. J.R. Kher | 47. Dr. Vasant N. Pawar |
| 23. Dr. K.M.Rameshchandra Babu | 48. Dr. V.K. Puri |
| 24. Dr. L.S. Chawla | 49. Dr. V. Kanagaraj |
| 25. Dr. M.K. Sharma | |
| 26. Dr. Mehrajuddin | |

Dr. (Mrs.) M. Sachdeva – Secretary

Apologies for absence were received from the following members:-

1. Dr. B.Ray Chaudhuri
2. Dr. B.C. Das
3. Dr. S. Imkong Tushi A.O.
4. Dr. S.K. Sinha
5. Dr. S.K. Sharma
6. Dr. S.R. Maralihalli
7. Dr. C. Das

At the outset Administrator informed the members that a large number of items are to be considered by the General Body of the Council in its today's meeting. Most of these pertain to postgraduate courses along with some other priority items i.e. Report of the Parliamentary Committee on Medical Education and judgement dated 11.9.2002 of the Hon'ble Supreme Court in the matter of Madhu Singh vs. UOI/MCI which are included in the agenda for consideration of the General Body.

Dr. Ajay Kumar, member of the Council stated that before the agenda is taken up, he would like to place before the House an important issue pertaining to termination of the Advisor appointed by the Administrator in the Council office. He referred to letter dated 8.10.2002 circulated to all the members of the Council by the Secretary enclosing therewith a letter dated 30.9.2002 of the Administrator.

Members of the Council informed Dr. Ajay Kumar that the item with regard to notification of 'new members' be taken up before, the issue of relieving of Advisor is discussed in the Council to which the Chair and House agreed.

1. Notification of new members.

The Secretary read out the notification of following new member elected/nominated as member of the Council since the last meeting of the Council held on 27th August,2002:-

<u>Sl.No.</u>	<u>Name</u>	<u>U/s</u>	<u>Constituency</u>
1.	Dr.C.V.Bhirmanandham	3(1)(b)	The Tamil Nadu Dr.M.G.R.Medical University

After the notification was read out, it was decided to take up rest of the agenda later i.e. after having discussion on the letter dated 30.9.2002 of the Administrator relieving Dr. Amitabh Verma who was appointed as Advisor in the Council office.

The matter regarding lapse of 8 days between the letter issued by the Administrator and communication sent by the Secretary providing intimation with regard to relieving of the Advisor was then discussed when the Administrator informed that the delay was on his part as he felt no urgency to immediately inform the members and that he would have given

information pertaining to this relieving order in today's General Body meeting.

After much discussions it was decided that the complete office record pertaining to the letter sent by the Administrator to Dr. Verma starting from the date of his appointment to the date he was relieved along with the record of the two letters received by the Administrator from Dr. Verma dated 27.9.2002 & 10.10.2002 be provided to the members.

Administrator then adjourned the meeting for 15 minutes to provide the desired information.

The House reassembled again at 11.30 hrs. after adjournment of 15 minutes when the Administrator provided the desired information.

On an inquiry regarding the whereabouts of the original letter dated 27.9.2002 the Administrator informed that he has not received the original letter dated 27.9.2002 till date. However, on an inquiry from the Receipt/Despatch Clerk, he informed the House that after receiving and diaring the letter of Dr. Amitabh Verma dated 27.9.2002, the same was sent to the PS of the Administrator through messenger.

The contents/issues raised in Dr. Amitabh Verma's letters dated 27.9.2002 and 10.10.2002 were taken up for discussions pointwise.

In light of happenings and discussions that took place in the House on these two letters the House was again adjourned by the Administrator and stated that the meeting shall be reconvened at 13.40 hrs.

Then the members reassembled at 13.40 hrs. when the Administrator called the meeting to order and asked the members to get to the main agenda. Dr. Ved Prakash Mishra then stated that the House would like to resume from the discussions where they were left pertaining to the communications of Ex-Advisor to the Administrator.

The observation of the Advisor regarding Administrator's visit to private medical colleges was discussed and it was observed that inspite of Council asking Administrator to submit a report on these visits, no report has been made available either to the Executive Committee or to the Council.

Some more issues from the letter of the Advisor pertaining to (I) Santosh Medical College, Ghaziabad regarding the non-applicability of Section 10B for the admissions made at the college and (II) migration cases where the judgement of the Hon'ble Supreme Court said not to have been quoted which led to losing the cases before the Hon'ble Supreme Court by the office as per a note moved by the Joint Secretary endorsed by the Administrator were then taken up for discussions.

It was decided that files pertaining to Santosh Medical College, Ghaziabad and the note moved on the migration cases be placed before the House for examination by members. Dr. Vasant Pawar examined the file of

Santosh Medical College, Ghaziabad. Dr. L.S. Chawla examined the file pertaining to migration cases.

The Administrator adjourned the House at 3.10 p.m. to 3.30 p.m. for going into the details of the files.

The House reassembled again at 4.00 p.m. when Dr. Pawar gave the details recorded in the file of Santosh Medical College, Ghaziabad and informed the House that the Administrator took a decision directing the office not to take any action u/s 10B till he passes instructions to that effect.

Dr. L.S. Chawla informed the House that he has examined the file pertaining to migration cases and he found that the note prepared by the Joint Secretary was not correct as affidavits were filed quoting all the required judgements and the cases were properly defended by none else then by the Ld. Solicitor General himself.

The House taking note of all the facts and the statements made by the Joint Secretary proposed by majority decision that the allegations made by the Administrator against the Secretary on the migration cases and the Counselling Note be treated as annulled. Administrator agreed for the same.

An issue pertaining to Russia matters whereby two reports were submitted by a Committee constituted by the Council consisting of Dr. Ved Prakash Mishra, Dr.B.P.Dubey and Dr. D.K.Sharma, when one report has been considered by the General Body and accepted whereas the second report which was required to be placed before the Executive Committee or the General Body, was not placed and also non-inclusion of the agenda item on the directions of the Administrator pertaining to filing the affidavit on behalf of MCI in the matter of Dr. A.K. Gupta and Shri Vidya Bhushan Kaushik and confidential note dated 26.9.2002 by the Administrator to the Secretary as desired by Dr. Ved Prakash Mishra vide his letter dated 3.10.2002 was then taken up.

In view of the above, the provisions of Act for preparing the agenda was discussed when it was noted that the power of preparing the agenda lies with the Secretary.

Dr. Ajay kumar then read out the regulation as framed under the Act that "A member who wishes to move an amendment to any motion included in the agenda paper, but not included in the preliminary agenda papers shall give notice thereof to the Secretary not less than 3 clear days before the date fixed for the meeting". Administrator then agreed to include an item in the agenda in today's meeting as proposed by Dr. Ved Prakash Mishra in his letter dated 3.10.2002.

Dr. S.B. Siwach a member of the Council then referred to a note circulated in today's meeting of the General Body on suspension of the Monitoring Committee by the Administrator. The decision of the Council

regarding the constitution of the Monitoring Committee was then read out by the Secretary as desired by the House.

The Administrator stated that he does not agree with this decision which should have been only for the SLP and not for the normal cases. Dr. Mishra then drew the attention of the Administrator to the unanimous decision taken by the members of the Council in the General Body meeting held on 3rd & 4th June, 2002 regarding appointments of advocates etc. against which the Administrator had recorded his note of dissent, however, as per the regulation pertaining to governance of the minutes the note of dissent does not form a part of the minutes.

Dr. Mishra then pointed out that the members of the Council constituting itself into a Committee had unanimously resolved to form a two members Monitoring Committee consisting of Dr. D.K. Sharma and Dr. Ved Prakash Mishra on its behalf to monitor all legal cases. Hence, the Monitoring Committee has been constituted as a mandate of the Council and cannot be removed.

On Administrator's statement that the Monitoring Committee went on each file and tried to annul directions of the Administrator the members of the Monitoring Committee reacted that after the Monitoring Committee came into existence with the unanimous mandate of the General Body of the Council it was not for the Administrator to appoint advocates as he had been doing. At this point of time the Administrator informed that he being court appointee will not like any interference in the normal administrative functioning. The members then drew his attention to the orders of the Hon'ble Delhi High Court dated 23.11.2001 regarding his appointment and powers.

In light of the discussions on handling of the files, mandates of the General Body being bypassed, suspension of the Monitoring Committee, non-inclusion of the agenda item in the General Body as desired by Dr. Mishra vide his letter dated 3.10.2002, stricture being passed by the Hon'ble High Court in the matter of Safdarjung Medical College against MCI etc., Dr. Ved Prakash Mishra then proposed to the General Body to move the following 'Standing Orders' which will be complied forthwith and compliance thereof be placed on record in this meeting itself. Dr. Mishra further proposed to confirm the minutes to that effect that these 'Standing Orders' are to be complied by the office with immediate effect.

The House unanimously accepted the proposal and the following 'Standing Orders' were read out by the Secretary:-

“Whereas the Advisor was appointed by the Administrator on his own choice in terms of the orders of the Hon'ble Delhi High Court dated 23.11.2001 for advising him on all medical matters;

And

Whereas in terms of the necessary appointing order dated 18.6.2002 the Advisor joined his duties without any joining report on record;

And

Whereas no terms and conditions of appointment of the Advisor were worked out by the Administrator till date;

And

Whereas no formal written instructions were passed on to the officers of the Council in regard to the modalities of the functioning of the Advisor including his access to the various documents and files of the Council;

And

Whereas the Administrator informed the Council in the meeting that it was implicit and understandable that the Advisor shall have access to all the files and documents of the Council;

And

Whereas the letter of resignation under the signature of the Advisor dated 27.9.2002 is acknowledged by the Council office on the same date;

And

Whereas the Administrator has terminated the appointment of his Advisor by his order dated 30.9.2002 indicating therein that he stands relieved with immediate effect;

And

Whereas by his letter dated 8.10.2002 he informs the Advisor that his request of resignation cannot be considered in view of his communication dated 30.9.2002 and also that his communication dated 27.9.2002 was an after thought;

And

Whereas the Council upon verification of the records is convinced that the communication from the Advisor dated 27.9.2002 was received and acknowledged by the Council office on the same date;

And

Whereas by virtue of the valid receipt of the communication from the Advisor dated 27.9.2002 by the Council office, the letter of the Administrator dated 8.10.2002 becomes redundant and also his

concept of the letter dated 27.9.2002 from his Advisor being an exercise of an after thought is rendered to nullity;

And

Whereas the contents of the letters dated 27.9.2002 and 10.10.2002 from the Advisor to the Administrator brings out various facets of the errors of commission and omission committed by the Administrator in terms of his biased, malafide, partitioned approach;

And

Whereas the issues pertaining to Santosh Medical College, Ghaziabad registration of Russian students and inadequacy of legal defence on behalf of the Council in the said case, the validity granted to an administrative note prepared on the basis of a ill conceived premise in regard to migration cases, as brought out by the Advisor in his communication dated 10.10.2002 were verified in terms of the records made available by the Secretary in the meeting and were found to be correct;

And

Whereas acting in a high handed manner without any authority under governing regulation, the Administrator refused inclusion of a valid item in the agenda of the General Body of the meeting;

And

Whereas the unanimous resolution of the General Body of the Council constituting itself into the Committee and authorising two members of the Council to monitor all legal matters of the Council on its behalf adequately through appointed Counsels before various courts of law from time to time was subverted unilaterally by an administrative order of the Administrator;

And

Whereas these errors of omission and commission were construed by the Council to have been caused by the Administrator in terms of his high handedness, scant respect for the provisions of the Act and binding Regulations of the Council, aimed at catering to subjective interests emanating out of malice, prejudice and bias.

Now, therefore, the Council unanimously adopts the following 'Standing Orders', whereby the Secretary of the Council shall ensure that -

1. The two communications dated 27th of September, 2002 and 10th of October, 02 from the Advisor to the Administrator, Medical Council of India received by the members through courier and contents therein

and the observations made by the Council on those letters be incorporated through the suitable affidavit and placed on record in the SLP preferred by the MCI against the orders passed by the Hon'ble Delhi High Court dated 23.11.2001.

2. The contents of 2 letters along with the observations which have been brought out including mention of the verification of the records and observations thereof in the meeting be communicated under the signature of the Secretary, MCI to Secretary, Ministry of Health & Family Welfare, Government of India and the Hon'ble Minister for Health & Family Welfare, Government of India.
3. The 2 communications along with the observations by a covering letter under the signature of the Secretary, Medical Council of India, immediately be forwarded to the Ld. Solicitor General of India for his appropriate advice in regard to initiation of the necessary action in that regard.

The aforesaid minutes as read out by the Secretary to the Council were than unanimously confirmed for its immediate implementation.”

The General Body of the Council then requested the Administrator to withdraw the note dated 11.10.2002 on the suspension of the Monitoring Committee as circulated in the Council meeting. The Administrator then withdrew the note and it was unanimously decided that the Monitoring Committee as constituted by the General Body is in force and shall continue to function. In case of dichotomy the Monitoring Committee and Administrator may sort out the issue after discussions.

Rest of the agenda items were then taken up.

2. Minutes of the last meeting of the Council – Confirmation of .

The minutes of the last meeting of the Council held on 27th August 2002 were confirmed after incorporating the following observations received from Dr. Ved Prakash Mishra and making necessary corrections and deletion of the paragraph where required (the paragraph 4 on page No. 49 of the minutes of the General Body dated 3rd & 4th June,2002 was deleted by the Administrator) -

1. The lines “Two minutes silence was observed by the Council in the memory of late Dr. P.Narasimha Rao” from page No. 2 be taken to page No. 3 and be incorporated after the resolution i.e. “The Council resolved.....irreparable loss.”
2. On page 3 to the subsequent para after the word 5 minutes, the words “which was adopted by the House” be added.
3. On page 3 to the subsequent line, the opening word “The” be replaced by the word “Accordingly”.

4. On page 5 to the last but one para after the word “statement”, the words “in totality” be added.
5. The draft minutes in terms of para 2 on page No. 7 are out of context and merit. Omission by virtue of the fact that the correction once unanimously approved by the General Body has to be incorporated and therefore to that extent deletion of para-4 on page No. 49 from the draft minutes of the meeting of the General Body held on 3rd & 4th June,2002 becomes binding and therefore it be replaced by “para-4 on Page No. 49 which was deleted vide unanimous acceptance by the Council.
6. On page No. 7 the paragraph i.e. “Dr. Ved Prakash Mishra then proposed that the minutes with the aforesaid corrections be treated as confirmed and copy thereof be made available to the members before their departure which was seconded by the whole House”, after the word “correction” in the 2nd line, the words “including deletion of para-4 on page No. 49 of the Draft Minutes” be added.
7. On page No. 8, 3rd line of paragraph 3rd the words “and the Committee” be substituted by the words “on its behalf”.
8. On page No. 10 to the first para of the observations on the Presidential Address by Dr. Mishra in the 5th line after the word “jurisdiction”, the words “of MCI” be added. The last four lines of the same para i.e. “This is required with one simple reason that the Council which was defective in character and having vacancies because of which the representative character of the Council was lost resulted in bringing the Administrator to the Council” be redrafted as under:-

“This was necessary to know for the reason that the Council was said to be defective in character by virtue of having vacancies due to which the representative character of the Council was said to have been lost resulted in bringing the Administrator to the Council”.
9. On page No. 10 to the subsequent para in the last line the word “that” be replaced by the word “their”.
10. On page No. 11, 2nd line of para 5, the word “be” be replaced by the word “are”.
11. On page No. 12, opening para 2nd line the word “certain” be replaced by the word “some”.
12. On page No. 12, 6th para i.e. “Dr. Mishra concluded that the presidential address unfortunately conceals much more than what was intended to be revealed. Whatever it reveals is nothing but bad mishap which has been occurring primarily because of paucity of direction and paucity of understanding” be read corrected as under:-

“Dr. Mishra concluded that the presidential address unfortunately conceals much more than what it reveals and whatever it reveals is nothing but bad mishap which has been occurring primarily because of paucity of direction and understanding”.

13. On page 12, para 8 i.e. “Dr. Mishra informed that before proceeding further the presidential address is adopted with observations” be read corrected as under:-

“Dr. Mishra moved a resolution that before proceeding further the presidential address be adopted along with the observations thereon which was unanimously accepted by the House”.

3. Minutes of the last meeting of the Council- Action taken thereon.

The Council noted the action taken by the office on the minutes of the meeting of the Council held on 27th August 2002 with following observations:-

1. On page No. 4 & 5 against the point No. 7 of item No. 2 reading as “Minutes of the last meeting of the Council – Confirmation of” (General Body minutes dated 3rd & 4th June,2002) in the action taken report the following was recorded:-

“No action has been taken on minutes recorded under item No. 58 & 59 pertaining to recognition of M.D.(Obst. & Gynae.) qualification and M.S.(General Surgery) qualification in respect of students being trained at Bharti Vidyapeeth Medical College, Pune respectively as by correcting the decision in para 2nd with the lines i.e. “However, holders of this qualification shall not get registration with the Medical Council of India/State Medical Council” will contradict the decision.”

It appears that though the qualifications have been recommended to be recognised and included in the First Schedule to the IMC Act,1956 but the holders of these qualifications simultaneously shall not get registration with the Medical Council of India and State Medical Council.

It requires to be reconsidered by the Council with the following modification:

“However, holders of this qualification admitted during the academic session 2000-2001 shall not get registration with the Medical Council of India/State Medical Council.”

The Council accepted the above modification.

2. On page No. 7 against the paragraph reading as “The Monitoring Committee constituted by the Council on its behalf shall be overseeing the present SLP in addition to all other legal matters including appointment of legal counsel as may be necessary from time

to time. The Council's advocates on record shall be entitled to seek the advise and help of Senior Counsel as may be deemed necessary from time to time including their appearances before the appropriate courts, as and when necessary and or called for" it was recorded that "All legal cases are being monitored by the Monitoring Committee as per procedure evolved".

It was decided that the action taken against the above para shall now be read corrected as under:-

"All legal cases were being monitored by the Monitoring Committee as per procedure evolved till 07.10.2002 when the Administrator directed that no cases are to be put up, as a matter of routine, to the Monitoring Committee either for ratification or information."

The Council decided that all legal cases will be monitored by the Monitoring Committee.

Proposed by Dr. Ved Prakash Mishra and seconded by Dr. P.M. Jadhav, Council decided to take up item No. 105 pertaining to members not attending meetings of the General Body as per Section 7(3) of the Act, before discussing the items on the rest of the agenda.

105. Members who did not attend three consecutive General Body meeting of the Council as per provisions of Section 7(3) of the IMC Act,1956 – consideration of removal of their names from the members list .

Read : The matter with regard to the removal of the names from the members list as per provisions of Section 7(3) of the I.M.C. Act,1956.

The Council deliberated in the matter and decided that operation of Section 7(3) is an automatic clause. If a member is absent for three consecutive meetings without any leave of absence then 7(3) comes into force automatically. Accordingly the General Body approved the deletion of the names from the list of members namely Dr. Prem Aggarwal representing Govt. of NCT Delhi u/s 3(1)(a) and Dr. Muzammil Ullah, representing Aligarh Muslim University u/s 3(1)(b).

4. Inclusion of Basic Principles and concepts of Ayurveda, Homeopathy, Unani, Sidha and Yoga in the course of MBBS.

Read : The matter with regard to inclusion of Basic Principles and concepts of Ayurveda, Homeopathy, Unani, Sidha and Yoga in the course of MBBS.

The Council noted the following recommendations of the Executive Committee:-

"The Executive Committee noted that a reference for inclusion of Basic Principles and concepts of Ayurveda, Homeopathy, Unani,

Sidha and Yoga in the course of MBBS was received through the Central Govt., Ministry of Health & F.W. for comments of the Council and the matter was considered by the Committee at its meeting held on 8.9.2000. The Committee was of the view that even if a few principles of any other system of medicine are taught in the MBBS course it may lead to allopathic doctors practicing such system of medicine even with the meager knowledge that a student may acquire through such sensitization. Hence, the Committee decided not to include even the basic principles and concepts of Indian Systems of Medicine and Homeopathy in the MBBS course which is already over crowded with many details.

On receipt of further reference from the Central Govt., the matter along with the recommendations of Department of ISM & Homeopathy was again considered by the Committee and it was decided to form a Sub-Committee under the Chairmanship of Dr. K. Anand Kannan to study the recommendations of the above Department and advise regarding introduction of basic principles and concepts of Ayurveda, Homeopathy, Unani, Sidha and Yoga in the course of MBBS.

The Sub-Committee in its final meeting held on 12.06.2001 submitted the report which was considered by the Executive Committee at its meeting held on 16.10.2001 and it was decided to obtain the opinions of Deans/Principals of all the medical colleges in India including the Director, Medical Education of all the States. Accordingly, a circular was sent on 22.11.2001.

The Committee considered the replies received in response to the above circular sent by the office and noted that approximately 60 medical colleges and only one DME of Govt. of Mizoram have responded. Out of this number 16 medical colleges and the DME of Govt. of Mizoram are in favour of inclusion of basic principles and concepts of Ayurveda, Homeopathy, Unani, Sidha and Yoga in the course of MBBS, whereas others are not in favour of inclusion of the same in the medical curriculum.

The Council deliberated upon the above matter at length and agreed with the recommendations of the Executive Committee that inclusion of the basic principles and concepts of Ayurveda, Homeopathy, Unani, Sidha and Yoga in the MBBS course may lead to acquiring little knowledge of these systems which may be misused for practice in those systems by the allopathic doctors.

5. Removal of names of the deceased persons from the Indian Medical Register.

Read : The letter received from the Registrar, Rajasthan Medical Council with regard to removal of names of the persons who have since been expired and their names have been erased from the Register of Registered Medical Practitioner.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee noted the letter dated 03.07.2002 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that following doctors have expired and their names have been erased from the register of Registered Medical Practitioners:-

1. Dr. Ishan Chandra Bhatt, Registration No. 3331 dated 28.12.1971
2. Dr. Banwari Lal Mathur, Registration No. 1680, dated 15.10.1966

The Committee decided to remove the names of above mentioned doctors from the Indian Medical Register and also to give intimation in this regard to all the State Medical Councils in the country.”

6. Complaint against Dr. Ruchi Gupta of Adarsh Hospital – To consider the recommendations of the Ethical Committee with regard to removal of her name from the Medical Register for a period of six months.

Read : The recommendations of the Ethical Committee as referred by the Executive Committee with regard to removal of name of Dr. Ruchi Gupta from the Medical Register for a period of six months.

The Council considered the following recommendations of the Ethical Committee as approved by the Executive Committee:-

“The Executive Committee considered the following recommendations of the Ethical Committee with regard to removal of name of Dr. Ruchi Gupta from the Medical Register for a period of six months and decided that the matter be discussed in the General Body as referred by the Ethical Committee:-

“The Ethical Committee has deliberated on the complaint of Dr. Ruchi Gupta of Adarsh Hospital in several meetings of the Ethical Committee and she was called on 28.06.2002 to physically appear before the Committee wherein she has deposed before the Committee in person. The Committee have also consulted with an expert in the speciality. After pursuing the complaint, the documents submitted by the complainant, documents submitted by the Adarsh Hospital, documents submitted by Dr. Ruchi Gupta herself as well as her deposition in person before the Ethical Committee on 28.06.2002, the Committee arrived at the unanimous conclusion that there was an evidence of gross negligence on the part of Dr. Ruchi Gupta, bearing Regn.No. 7677 of MCI in the year 1989. Hence, this Committee recommends to the General Body of the MCI that her name may be erased from the medical register for a period of six months.”

The Council agreed with the recommendations of the Executive Committee that the name of Dr. Ruchi Gupta, bearing Regn. No.7677 of MCI in the year 1989 be erased from the medical register for a period of six months.

7. **Complaint against Dr. Praveen Garg, Karnal as alleged by Mr. Vuikra Raheja due to causing death of Sandeep Kumar Raheja – To consider the recommendations of the Ethical Committee with regard to removal of his name from the Medical Register for a period of three months.**

Read : The recommendations of the Ethical Committee as referred by the Executive Committee with regard to removal of name of Dr. Praveen Garg, Karnal from the Medical Register for a period of three months.

The Council considered the following recommendations of the Ethical Committee as approved by the Executive Committee:-

“The Executive Committee considered the following recommendations of the Ethical Committee with regard to removal of name of Dr. Praveen Garg, Karnal from the Medical Register for a period of three months and decided that the matter be discussed in the General Body as referred by the Ethical Committee:-

“The Ethical Committee considered on several occasions the complaint against Dr. Praveen Garg made by Mr. Vikram Raheja which led to the death of Mr. Sandeep Kumar Raheja.

The Committee perused the available records and have heard Dr.Praveen Garg in person on 28.06.2002. The Committee arrived at a unanimous conclusion that there is evidence of medical negligence by Dr.Praveen Garg bearing Regn.No.MCI-5577 dated 21.4.96 whereby he failed to take prompt remedial measures during the post operative period while the patient had recovered fully from Anaesthesia, which every diligent doctor is expected to do. The Committee also noted that Dr. Praveen Garg does not possess resuscitation equipment within precincts of his hospital.

The Committee therefore unanimously recommends to the General Body of the Medical Council of India that his name be temporarily erased from the medical register for a period of 3 months.”

The Council agreed with the recommendations of the Executive Committee that the name of Dr. Praveen Garg, bearing Regn. No. MCI-5577 dated 21.4.96 be temporarily erased from the medical register for a period of three months.

8. Complaint against Dr. M.M. Bagati, Shivaji Medical Centre, Delhi as alleged by Shri Nihal Singh due to gross negligence and death of three months old male child – To consider the recommendations of the Ethical Committee with regard to removal of his name from the Medical Register for a period of one year.

Read : The recommendations of the Ethical Committee as referred by the Executive Committee with regard to removal of name Dr. M.M. Bagati, Shivaji Medical Centre, Delhi from the Medical Register for a period of one year.

The Council considered the following recommendations of the Ethical Committee as approved by the Executive Committee:-

“The Executive Committee considered the following recommendations of the Ethical Committee with regard to removal of name of Dr. M.M. Bagati, Shivaji Medical Centre, Delhi from the Medical Register for a period of one year and decided that the matter be discussed in the General Body as referred by the Ethical Committee:-

“The Ethical Committee has taken cognizance of the complaint against Dr. M.M. Bagati made by Shri Nihal Singh which resulted in gross negligence and death of his 3 months old male child.

The Committee noted that Dr. M.M. Bagati was convicted by the District Consumer Disputes Redressal Forum and he had filed an appeal before the State Commission.

The Ethical Committee perused the available records of the hospital treatment as well as opinion given by the Pediatric Nephrologist wherein he opined that “Dr. M.M. Bagati had definitely committed negligence in prescribing over dosage of the various medicines given to the 3 months old male child. The Committee had called Dr. M.M. Bagati on two occasions i.e. 28.06.2002 at 2.30 p.m. and on 25.07.2002 at 12.00 noon and remained absent on both the occasions without any intimation whatsoever.

The Committee has again perused all the available records, relevant documents and opinion of the experts and has arrived at the unanimous conclusion that Dr. M.M. Bagati has committed gross medical negligence while treating the 3 months old male child which eventually led to his death.

The Committee therefore recommends that the name of Dr. M.M. Bagati be removed from the medical register for a period of one year.”

The Council agreed with the recommendations of the Executive Committee that the name of Dr. M.M. Bagati be erased from the medical register for a period of one year.

The Council decided to defer the consideration of rest of the items on the agenda to its next meeting to be held on 20th November,2002 at 11.00 a.m. The meeting was accordingly adjourned.

(Dr. M. Sachdeva)
Secretary.

New Delhi, dated the
16th Oct.,2002

A P P R O V E D

(Maj Gen (Retd) SP Jhington)
Administrator