

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

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

Minutes of the Special Meeting of Ethics Committee held under the Chairmanship of Dr. P. K. Dave on 18th October, 2013 at 11.30 A.M. in the Council Office, Sector- VIII, Pocket- 14, Dwarka, New Delhi. The Following Members attended the meeting:-

1.	Dr. B.G. Tilak	Member
2.	Dr. K. K. Aggarwal	Member
3.	Dr. Rama V. Baru	Member
4.	Dr. G. K. Sharma	Member
5.	Dr. N. K. Mohanty	Member
6.	Dr. J. L. Gupta	Member
7.	Dr. M. S. Gupta	Member
8.	Dr. Sangeeta B. Desai	Member
9.	Dr. Muzaffar Ahmad	Member
10	Dr. Atul Sood	Member
11.	Sh. Ajay Kumar Jain, Advocate	Member

Dr. P. Prasannaraj

Addl. Secretary, MCI

Leave of absence was received from Dr. Raj Kumar, Dr. N. K. Sethi, Dr. Arup Das Biswas, Dr. Suranjan Bhattacharji and Smt. J. Lalithambika

Note:-

- The members of Ethics Committee expressed their condolence for the death of Prof. Harbhajan Singh Rissam, Ex. Member, Board of Governors, MCI. The Committee expressed their appreciation for late Dr. Harbhajan Singh's Rissam contribution for medical education and also for literature.
- Many members of the Ethics Committee raised their objections for convening this special meeting of the Ethics Committee ~~in~~ ^{at} very short notice, particularly with agenda related to Dr. Ambumani Ramadoss and Dr. Ketan Desai at item Nos. 3 and 4, respectively. The members also sought justification for convening the said special meeting and clarification

(Dr. B.G. Tilak)

Rama V. Baru

(Dr. Rama V. Baru)

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(Dr. M. S. Gupta)

Aggarwal
(Dr. K. K. Aggarwal)

Sharma
(Dr. G. K. Sharma)

Mohanty
(Dr. N. K. Mohanty)

P.K. Dave
(Dr. P. K. Dave – Chairperson)

Prasannaraj
(Dr. P. Prasannaraj)

J.L. Gupta
(Dr. J. L. Gupta)

(Dr. Raj Kumar)

Ajay Kumar Jain
(Sh. Ajay Kumar Jain)

regarding the tenure of this Ethics Committee appointed by the Board of Governors, whose term is likely to be completed on 09.11.2013.

The members were of the opinion that in the prevailing situation, the Committee cannot take such crucial decisions in this meeting as it will be against the spirit of transparency of the Committee.

Dr. P. K. Dave, Chairman, Ethics Committee, clarified that he received a letter dated 03.10.2013 from the Chairman, Board of Governors, for convening this special meeting at short notice to solve some issues mentioned in the letter. Accordingly, Dr. Prasannaraj, Member Secretary was requested to organize a Special Meeting of the Ethics Committee on 18.10.2013 to address the said issues. That is why, the urgency of conducting this special meeting.

Dr. Atul Sood again requested the Chairman to postpone the meeting in view of the hurried nature of conducting such an special meeting to discuss issues mentioned above which are having serious public ramification. The Chairman did not agree to the request of Dr. Atul Sood, who decided to restrain from further participation in the Ethics Committee meeting and submitted his protest statement which reads as under:-

"It is with great deal of regard that I am putting down on paper, as asked by you all, various points that I mentioned this morning, before we could start discussing the listed agenda for today's ethics committee meeting. The meeting of the ethics committee was called for 18.10.2013 on 11.10.2013 (posted on October 12th) and the agenda for the same was circulated on October 17th (vide No. MCI-211(2)/2013-Ethics/39326).

I am writing this note to bring, once again, to your attention issues both of procedure and propriety on the basis of which the scheduled meeting of today appears to be adhoc and unethical. I feel very disturbed to put this in writing, since as obvious from the discussions held in the meeting, before lunch, many members, particularly the Chairperson, were in complete agreement with the points I had raised, but for reasons beyond my comprehension have decided to proceed with the meeting. My point that today's meeting was shaky both on grounds of propriety and procedure and it will be difficult for this meeting to be seen by the larger public to be above board and not adhoc in its considerations, was shared by many members in the Committee. As members of the Ethics Committee the two principles we ought to hold is transparency and sound moral basis, both of which appear to be violated by today's meeting.

My Letter to
Chairman
given is
missing from
his minutes

(Dr. B.G. Tilak)

(Dr. K. K. Aggarwal)

(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

(Dr. Rama V. Baru)

(Dr. G. K. Sharma)

(Dr. Raj Kumar)

(Dr. M. S. Gupta)

(Dr. N. K. Mohanty)

(Sh. Ajay Kumar Jain)

(Dr. P. K. Dave - Chairperson)

Endorse

Dr. Sood's

observation

Rama Baru

15th Jan 2014

On issues of procedure and propriety: the agenda of today's meeting was circulated less than twenty four hours before the start of the meeting, which is in violation of the framework of the Ethics Committee. The consideration for a special meeting, if any, were never shared with the members, before or during the meeting. It is also disturbing to note that even though we, the members of the Committee, did not know the agenda, even twenty four hours before the start of meeting, we were receiving emails' campaigning a particular view point on the agenda items much before the official communiqué on the agenda. We received more than one such mail, suggesting to me, and implying, conflict of interest, on the proposed agenda for today's meeting, within the Ethics Committee itself.

Given the fact that there is a strong chance of this committee be partially or totally reconstituted in the very near future, because of the impending reconstitution of the MCI board in the very near future, discussing issues of significance today, given a message of adventurism to the people. The Secretary of MCI did not have an official view on the life of this ethics Committee and did not rule out the possibility that the committee may get reconstituted within next few days or weeks. Life of the Ethics Committee is important since the proposed agenda items for today's meeting was of great significance from the point of view of public life it was important that the decisions taken today should not be seen to be taken in hurry, with no knowledge on whether this committee will ever meet again, as it exists, the fact that the committee was willing to deliberate issues of serious ramifications is something I do not understand ?

To summarize: Listing agenda items without substantive start reasons of tearing hurry, not giving time for forming a considered view on matters, promoting campaigning on these agenda items, attempting committee adventurism by discussing important issues in a committee whose life may be few days and leaving window open for conflict of interest in deliberations of the committee, are all very serious matters which give us more than enough reasons not deliberate matters on listed agenda items in today's meeting.

As ethics committee members I request you to reconsider your decision to discuss today's listed agenda items. And I request you all, to kindly put on record, my detailed, observations on the matter."

The said statement of Dr. Atul Sood was read in the meeting and the Chairman decided to hold the meeting to consider the matter of Dr.

(Dr. B.G. Tilak)

Rama V. Baru
(Dr. Rama V. Baru)

mn
(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

G. K. Sharma
(Dr. G. K. Sharma)

N. K. Mohanty
(Dr. N. K. Mohanty)

P. K. Dave
(Dr. P. K. Dave - Chairperson)

Prasanna Naraj
(Dr. P. Prasanna Naraj)

J. L. Gupta
(Dr. J. L. Gupta)

(Dr. Raj Kumar)

Ajay Kumar Jain
(Sh. Ajay Kumar Jain)

Ambumani Ramadoss and Dr. Ketan Desai at item Nos. 3 and 4, respectively and defer the rest of the agenda items, for subsequent meeting.

Regarding the justification for conducting this special meeting, Secretary, MCI clarified that many Hon'ble members of the Parliament during the recently conducted Parliament Standing Committee meeting questioned the Chairman, Board of Governors, Dr. Shrivastava and him regarding ethical matters. The subsequent meeting of the Parliamentary Standing Committee(Health) is scheduled in the next week and the Chairman, BOG is required to provide the status and the action taken by the Council in the Ethics matters mentioned above and hence, the urgency of convening this special meeting

Dr. K. K. Aggarwal said that the Agenda items related to Dr. Anbumani Ramdoss came first time in the meeting but the case of Dr. Ketan Desai came in the earlier meeting of the Ethics Committee held on 23rd & 24th August, 2013 and the same was deferred because of paucity of time.

Dr. K. K. Aggarwal pointed out that the invitation letters issued to members nominating them in the Ethics Committee does not mention the tenure of the members and requested for issue of appropriate letter to all the Ethics Committee Members specifying their tenure. The Secretary, MCI replied to his request that the matter shall be placed before the Board of Governors Meeting scheduled to be held on 22.10.2013 and the decision of the Board of Governors in the said matter will be communicated to all the members of the Committee.

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

The Minutes of the Ethics Committee meeting held on 27th & 28th September, 2013 were not confirmed and the committee decided to place it on the subsequent meeting.

02. Review of Action taken on Minutes of the Ethics Committee meeting held on 28th & 29th June, 2013.

The minutes of Ethics Committee dated 28th & 29th June, 2013, were reviewed by the Board of Governors in their meeting on 15.10.2013. The minutes with their comments were referred back to the Ethics Committee for its

(Dr. B.G. Tilak)

Rama V. Baru
(Dr. Rama V. Baru)

mn
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(Dr. G. K. Sharma)

Mohanty
(Dr. N. K. Mohanty)

P. K. Dave
(Dr. P. K. Dave - Chairperson)

Prasannaraj
(Dr. P. Prasannaraj)

Gupta
(Dr. J. L. Gupta)

Raj Kumar
(Dr. Raj Kumar)

Ajay Kumar Jain
(Sh. Ajay Kumar Jain)

review. The said minutes with comments of BOGs were placed before the Ethics Committee but the Committee could not take up the matter due to the paucity of time.

03. Case No. RC AC2 2010 A 0003 against Dr. Ambumani Ramadoss and other-Reg.

The Ethics Committee considered the Case No. RC AC 2 2010 A 0003 against Dr. Ambumani Ramadoss and Ors. The Committee deliberated on the matter and found that Dr. Ramadoss has not been made as a party by the CBI Authority.

In the peculiar facts and circumstances in this case, it was decided by the Committee to wait for the outcome of the criminal case pending before the Court of Law for further action.

04. Appeal filed by Dr. Kunal Shah against Dr. Ketan Desai- req.

The Ethics Committee considered the appeal filed by Dr. Kunal Saha against Dr. Ketan Desai. The Committee deliberated on the issue and sought clarification regarding the following:-

- Whether fees was received from Dr. Kunal Saha for filing the appeal.
- How was the decision to suspend registration of Dr. Ketan Desai was arrived by Ethics Committee and Board of Governors.
- Any decision to revoke the suspension was taken.

The Member Secretary informed that the status note in the agenda answers most of the queries raised. However, for detailed comments, Member Secretary requested for some time, which was agreed by the Committee and decided to place the matter in the subsequent meeting.

Deferred Agenda

05. 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)

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

07. Complaint/intimation received of Sh. Surender Ram - Reg.

(Dr. B.G. Tilak)

Rama V. Baru

(Dr. Rama V. Baru)

mn
(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

G.K. Sharma
(Dr. G/K. Sharma)

N.K. Mohanty
(Dr. N. K. Mohanty)

P.K. Dave
(Dr. P. K. Dave - Chairperson)

(Dr. J. L. Gupta)

Raj Kumar
(Dr. Raj Kumar)

(Sh. Ajay Kumar Jain)

Prasannaraj
(Dr. P. Prasannaraj)

Total 9 points have raised & one meeting
Abdul

Points raised are missing
Rama Baru
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08. Appeal against order dated 21.12.2010 passed by Tamilnadu Medical Council made by Mr. R. Rajendran (F.No.141/2011).
09. Violation of "Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002" – Reg. (Sh. Brinda Karat, Member, Polit Bureau, CPI(M), Former Member, Rajya Sabha) (F.No. 615/2011)
10. Demand to Investigate the Pharma company sponsored Foreign visit by Medical Doctors of Madhya Pradesh. (F.No. 78/2012)
11. Appeal dated 30.07.2013 filed by Sh. Lalit Mohan Bhattee, Mumbai against Dr. B. R. Rao, Dr. Mrs. Alka Rao and Dr. Ketan Bhatt of Shree Samasta Parajiya Suvarna General Hospital, Borivali, Mumbai - reg.
12. Appeal dated 22.07.2013 filed by Sh. Rabindra Prasad Sah, Tripura against Dr. Poonam Banka & Dr. Bindu Kedia of Apollo Gleneagle Hospital Kolkata - reg.
13. Appeal dated 06.03.2013 filed by Mrs. Anitha Jayadevan against Order dated 22.12.2012 passed by Travancore Cochin Medical Council & Ors. - reg.
14. Appeal dated 05.08.2013 filed by Sh. Shishir Chand, Delhi against Dr. Atul Chhabra of Tata Main Hospital, Jamshedpur - reg.
15. Appeal dated 22.08.2013 filed by Sh. O. P. Sharma, Delhi against Order dated 10.07.2013 passed by Delhi Medical Council - reg.
16. Complaint against Dr. Naresh C. Rathod, Associate Professor, Surgery, Dr. Sanjay Gawale Asstt. Professor, Surgery and Dr. Alka Shinde, Asstt. Professor, Dept. Of Medicine of RIMS, Adilabad for giving fake declaration that they do not practice during MCI Inspection on 26th & 27th Feb. 2013.

(Dr. B.G. Tilak)

Rama V. Baru
(Dr. Rama V. Baru)

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(Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)

Sharma
(Dr. G. K. Sharma)

Mohanty
(Dr. N. K. Mohanty)

P. K. Dave
(Dr. P. K. Dave – Chairperson)

Prasannaraj
(Dr. P. Prasannaraj)

(Dr. J. L. Gupta)

Raj Kumar
(Dr. Raj Kumar)

Ajay Kumar Jain
(Sh. Ajay Kumar Jain)

17. Request for ordering an inquiry against Dr. Sunil M Rajeja (the doctor who treated late Saroj Malhotra A.N.S., G.B. Pant Hospital vide OPD Regn. No.: 1685726) and fixing accountability.
18. To Make a rule for every doctor to prescribe base salt of the medicine rather than medicine name-reg.
19. Drugs names are changing in single letter difference, so doctors are write drugs names are in capital letter only-reg.
20. Approval of MCI to give allopathic training to ISM graduates in the state of Maharashtra-reg.
21. Draft Cabinet note on Biomedical and Health Research Regulation Bill, 2013 - Regarding.
22. Appeal against order dated 12.09.2011 passed by Utrkhand Medical Council filed by Sh. Bhavar Singh Bhati.

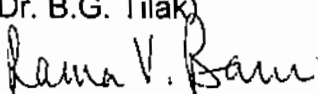
Agenda Item No. 5 to 22 has been deferred for the subsequent meeting of the Ethics Committee as it is a special meeting and the Chairman decided to consider only item no. 3 & 4 in today's meeting.

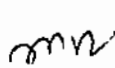
Special Note:-

The Committee observed the difficulty in noting the entire proceedings of the Ethics Committee and suggested for audio-visual recording of the proceedings of the Ethics Committee to help to prepare speaking orders. In this regard, it was decided to record the Ethics Committee proceedings in future from the next meeting onward and directed the Council to arrange for necessary equipments and skilled person to transcribe the audio-visuals recording.

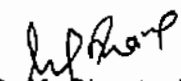
The Meeting ended with a Vote of Thanks to the Chair.


New Delhi, 18th October, 2013.

(Dr. B.G. Tilak)

 (Dr. Rama V. Baru)

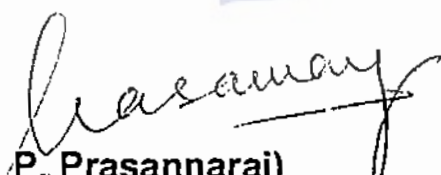

 (Dr. M. S. Gupta)

(Dr. K. K. Aggarwal)


 (Dr. G. K. Sharma)

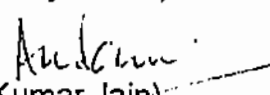

 (Dr. N. K. Mohanty)


 (Dr. P. K. Dave - Chairperson)


 (Dr. P. Prasannaraj)


 (Dr. J. L. Gupta)

(Dr. Raj Kumar)


 (Sh. Ajay Kumar Jain)