

Online meeting of Medico Legal Society of India was organised on Tuesday 28 th of March 2023 at 8:50 pm. It was attended by

Dr. Sanjay Gupte

Dr. Mukesh Yadav

Dr. Nitin Dhande

Dr. Shubhangi Mundada

Dr. Manisha Jagtap

Dr. Devraj Raichur

Dr. Hira Baviskar

Dr. Mudhusudan T P

Dr. Vijay Kurkure

Dr. Chandrakant Bhosle

Dr. Ashish Khatod

Dr. Rajeev Joshi

Dr. S. G. Kabra from Rajasthan was invited to give information regarding the current situation in Rajasthan.

Following points were discussed during meeting :

1. Dr. Joshi informed about proceedings of Kerala HC in the last hearing of 24th March. Court was angry at the police for delay in registration of FIR though the court had ordered that FIR should be registered within one hour of incidence of violence; and also for submitting a report which appeared to justify the attack on the doctors. Court was also angry that IMA went on strike though the court is dealing with this matter as of priority. Dr Joshi also informed that an affidavit regarding violence against a doctor was not submitted because the victim did not sign it. We will submit it before the next hearing which is on 30 March.
2. Dr. S. G. Kabra informed that private medical practitioners of Rajasthan are on complete strike and their only demand is complete withdrawal of RTH Act because all negotiations with government failed.
3. Dr. Joshi asked if there is any receipt of a copy of objections / suggestions on the bill submitted to the government. Dr. Kabra said that when the bill was passed by the select committee the medical fraternity's opinion was divided. Some were in favour of demanding amendment while some were in favour of withdrawal so there is no such copy of receipt but now all medical fraternity is united and demanding complete withdrawal of Act. Private hospitals decided to withdraw their empanelment from all government schemes like chiranjevi yojana.
4. Dr. Gupte asked Dr. Kabra about the possibility of approaching HC for relief to which Dr. Kabra replied that yes we are working on it but as till date only the Act is passed and rules are not prescribed it is too early for approaching HC. Dr. Gupte said that few years back when

he was in ethics committee of MCI, central government directed MCI to prescribe guidelines for free treatment to patient in case of emergency till stabilisation of patient to which they informed government that both emergency and stabilisation are much broad and vague term so it is not possible to prescribe such guidelines.

5. Dr. Bhosale asked if there is any support from the opposition? Dr. Kabra replied that as this RTH Act is passed unanimously there is no such support. Dr. Kabra said that we informed the government that this is a poorly drafted bill, the object of the bill is to provide treatment to the poor but the government should do it in the proper way, either by expanding public health infrastructure or by providing health insurance to all citizens. But the government said that this is a draft and all objections and suggestions were taken care of in the amendment . But in fact no such thing appears in the present final Act.
6. Dr. Mukesh Yadav said that there is nothing new in this Act, obligation of free treatment in emergency is already prescribed in various enactments, and citations like Parmanand Katara case, ethics guidelines by MCI, clinic establishment Act etc, to which all members replied that no one is against free treatment for emergency but only thing is what about reimbursement? Dr Mukesh Yadav said that private hospitals are worried because the government is establishing 10 bed trauma units and 50 bed ICU at various places, so nobody will come to them. Dr Rajeev Joshi said that this statement is far from reality and private hospitals have no such worry as whatever government plans to do will be in the pipeline for years.
7. Dr. Madhusudan said that it is usual practice that sooner or later this Act may be followed by other states also. Being a regulatory body, does NMC have any role in this matter? Dr. Yadav replied that NMC doesn't have any role, where Dr. Gupte said that NMC has a role in this matter but it is better to create awareness among the public and media.
8. Dr. Joshi said that MLSI will draft a letter and will submit it to NMC and Government of Rajasthan.
9. Dr. Joshi said that after going through Human Right Act 1993 it is found that HRC has no jurisdiction over case medical negligence. We should therefore pursue the matter in the Supreme Court..

The meeting ended at 10 pm with decision to meet on 11th April 2023

Dr. Ashish Khatod