

## Minutes of the meeting of MLSI dt 23/05/2023

Online meeting of the Medico Legal Society of INDIA was organised on Tuesday 23 Rd of May 2023 at 08.50 pm.

It was attended by

Dr. Sanjay Gupte	Dr. Mukesh Yadav
Dr. Nitin Dhande	Dr. Shivkumar Kumbhar
Dr. Deepak Shah	Dr. Lalit Kumar
Dr. Pratibha Kane	Dr. Narasimha Rao K
Dr. Manisha Jagtap	Dr. Chaitanya Mittal
Dr. Manoj Telkatwar	Dr. Mahesh Sinha
Dr. Kundan Khamkar	Dr. Srikanth Sundersh
Dr. Ajay Gangoli	Dr. Nisar Shaikh
Dr. Sayyed Kazmi	Dr. Shubhangi Mundada
Dr. Jayanti Ghosh	Dr. Hitesh
Dr. Abhay Shahapurkar	Mr. Chandrakant Bhosale
Dr. Rajeev Joshi	Dr. Ashish Khatod

Following points were discussed during the meeting

### 1. Regarding proceeding at Kerala High Court on 11, 13 & 23 May,

Dr Joshi informed as under "Today, The judges asked the Government Pleader Mr Kannan regarding the protocol for bringing accused before judicial officers and what is the progress regarding making protocol for police bringing patient whether victim or accused before a doctor for examination. Government pleader informed that there was no such protocol . Judges said that the police officer had assured to submit such a protocol within a short time and it should have been developed as part of the criminal justice system. We are concerned about this whole issue of violence which is not in two forms.(a) Patients feel that their case was mismanaged and attack the doctor and (b) police bring the victim or accused before the doctor. How can a doctor operate if he is under threat? Government should take a call in this regard seriously and quickly.

The judges said that the locus of Advocate who filed PIL for payment of compensation to Dr Vandana Das was in question, and asked the government if

they are giving any compensation or otherwise within two days. The matter will be heard on Thursday, however they clarified that the ex-gratia payment done by the government to victims of accidents or other calamities was their policy decision and the Court can not ask them why they gave or did not give compensation. The advocate tried to invoke article 14, but the judges refused the argument for want of locus. They said had the parents filed the petition, it would have been a different situation..

The Judges asked Mr Kannan what was being done in other FIRs and had action been taken expeditiously in those matters, three cases would not have been reported in the last 10 days. They said that this is the reason why Dr Joshi is appearing online and requesting us to hear his IA. I requested permission to speak and once they allowed, I thanked them and placed before them following:

- a. Chief of police stated during the last hearing that they can not provide security to private hospitals.
- b. Court asked whether police can provide security to all government health setups for which the answer by police was NO
- c. We conducted a survey in this regard for which 470 doctors have responded.
- d. Our survey suggests that small hospitals can not afford to engage security officers
- e. 68.5% doctors are open to idea of shared security for which they are willing to contribute per bed of the hospital. Small hospitals pay less and large hospitals pay more

Justice Devan Ramchandra asked me what shared security is? I explained that it should be a government aided, police assisted mechanism for which private hospitals will contribute. The judges said that they do not have my Intervention application before them and they will hear it on Thursday.

I said that I would also like to discuss medical accidents. It is an unforeseen event for the patient because of which they get irritated. There is no insurance for such accidents, so there is no compensation. They do not get any relief from the police and the judicial process is prolonged. Therefore there should be medical accident insurance cover for which we need direction from the court. The court said that such events are very few, hardly one in a thousand. I said that exactly that is the principle of insurance. Small numbers are affected but large numbers contribute small amounts. The judges said that they will get the IA

filed by Medico Legal Society of INDIA on board on Thursday and we will take it from there.

Dr. Mahesh Sinha added that a similar type of security system exists in Kanpur City to which Dr. Joshi added that recently AMC Mumbai also stated a similar system. We will take details from the president of AMC Mumbai. Dr. Narasimha Rao expressed that getting some direction/ Order from court on this concept of shared security system will be helpful in future, to which Dr. Joshi informed about difficulties in arguing online and assured that inspite of such difficulties we will do our best to get such order.

- 2. Progress in drafting petition for Right to Health based on survey,** Dr. Pratibha Kane asked that as we the number of responses received in survey are very less, whether we should go ahead with it or not, to which Dr. Joshi replied that without becoming disappointed we should continue our work. Instead of filing a petition we can represent this survey to the government and tell the government that this is a sample survey and it needs to be conducted on a large scale and request the government to conduct it on a large scale. to this all members agreed.
- 3. Filing IA in PIL regarding violence against medical professionals pending before Bombay High court,** Dr. Joshi informed about recent developments in case that, as advocate general informed HC that government is going to replace old Act with new Act, he asked DCM about withdrawing old Act and bringing new Act but DCM is not willing to do so hence Dr. Joshi asked whether we should file IA in this case or should wait for some more time on which Dr. Gupte opined that instead of waiting we should file IA and all members agreed with Dr. Gupte..Dr Rajeev Joshi said that we will say in the IA should a doctor sacrifice his / her life before the state makes a Strong Act for Violence Against Doctors?
- 4. Progress in design of course for medical records persons :** Mr. Chandrakant Bhosale informed that he talked with three associations out of which two are ready to collaborate with us for conducting this course and another association will join after one year or so., Dr. Joshi suggested that we should prepare a project proposal and submit it to the managing committee of MLSI. Once approved we should proceed with deciding what should be the content of

each topic and who should deliver the lecture etc etc..Dr Joshi requested him to work on this project.

5. **Dr Gupte raised the issue of NMC notification** regarding the need of registration of doctors on their portal and obtaining UID. He described issues faced by doctors who are staying on the border of various states and practising in both states. He said that previously even if a doctor is registered in one state, he could practise in the other state, but with new notification this will be difficult. Dr Kazmi agreed to the need of sending representation to the NMC. Dr Nitin Dhande said that he has received messages from various friends that our names are already on the NMC portal, but there are several errors and it is necessary to make them aware of the errors. Dr Joshi requested Dr Dhande to study various issues involved in NMC portal registration and prepare a document to be sent to NMC explaining all the issues.
  
6. **Need to hold press briefing all over the country / advocacy / filing similar PILs** : Dr Rajeev Joshi requested suggestions regarding how to go about informing all state governments about the need of Act for violence against doctors. He explained that for filing PIL in any state, we may have an issue of locus. If we communicate with the respective state governments and wait for their reply, follow it up with another letter then the question of locus will not arise. If there are local members of MLSI they can take responsibility. Dr Narsimha Rao suggested that we should involve local IMA or other professional associations and send joint letters. Dr Joshi said that he was not sure whether IMA or other professional bodies will help. He gave an example of a PIL filed by Adv Sneha Kalita for and on behalf of Delhi Medical Association and explained that all the associations have their own shell and they do not want to go out of it. Still, it is worth trying.