

Minutes of the meeting dated 5 September 2023

Online meeting of MLSI was organized on Tuesday September 05, 2023. It was attended by

Dr. Sanjay Gupte

Dr. Lalit Kumar

Dr. Pratibha Kane

Dr. Rajeev Joshi

Dr. Ashish Khatod

Dr. Sri Gopal Kabra

Following points were discussed during meeting :

Dr. Rajeev Joshi informed about provisions which need to be involved in proposed Bhartiya Nagrik Suraksha Sanhita Bill 2023 which are as follows.

A. In cases in which there is allegation of Medical Negligence against doctors :

- a. Exceptions regarding act done in duty to care need to be applied
- b. Expert committee formation at district level including member of medical council is necessary
- c. Expert committee formation at state level with right to appeal for all stakeholders is necessary
- d. Following orders in the Judgement of Hon'ble Supreme Court in Jacob Mathew and Lalita Kumari.
- e. If there is violence then medical negligence cases should be dealt with subsequently (in view of the compensation culture)

B. In cases where Violence against doctors is alleged, the police should file

- a. FIR within one hour as per order of Hon'ble High Court of Kerala
- b. No need of corroborative evidence as per report of Karnataka Law commission
- c. CCTV should be made compulsory in hospitals and CCTV footage should be accepted as evidence.

- d. Shared security mechanism to be provided by government and paid by hospitals
- e. If there is violence then medical negligence cases should be dealt with subsequently (in view of the compensation culture)
- f. If police do not act quickly then there should be accountability

Dr. Khatod added that there should be provision of punishment for contributory negligence of relatives if any in cases of medical negligence.

Dr. Pratibha Kane said that the way in which Dr. Kabara is narrating stories of proceeding, she totally agrees with him that medical negligence should be decriminalized for that we should request Dr. Kabara to take the lead and this is the only solution to the problem.

Dr. Lalit Kumar said that he did not read the bill so can not comment.

Dr. Joshi asked for suggestions on IA which MLSI is going to file in writ petition Adv. Kishan Chand Jain versus EMRB & others. Dr. Kane said that we have already discussed almost all points while sending a letter to PMO on this issue and now have to add facts which came to our knowledge through documents shared by Dr. Muneesh Kapoor. She suggested sharing the draft of IA in a group and asking for suggestions on it. Dr. Joshi replied that he is hesitating to share due fear of leaking from the group and going into the hands of adverse parties but he agreed that there is no harm in such leakage. So finally it was decided that the draft will be shared in the WhatsApp group of MLSI for inviting suggestions with requests that members should not share it outside the group. Draft will be amended accordingly and IA will be filed at the time of the next hearing date which is 6 th October.

Meeting ended at 9.30 pm with resolution to meet on Tuesday, 12 th September 2023

Dr. Rajeev Joshi

Dr. Ashish Khatod