

Minutes of the meeting dt 24th October 2023

Online meeting of MLSI was conducted on Tuesday, 24th October 2023 at 850 pm which was attended by

Dr Mukesh Yadav
Dr Ashish Khatod
Dr Mahesh Sinha
Dr Devaraj Raichur
Dr Nitin Dhande
Dr Lalit Kumar
Dr Srikant Sundresh
Dr Padmesh Jain
Dr Sayyed Kazmi
Dr Venkatesh KV
Dr Raviprasad Prasad
Dr Rajeev Joshi

Apologies for missing names of a couple of participants who joined late and departed early. Following points were discussed.

1. Filing FIR against Dr X spewing venom against medical profession : `Dr Srikant Sundaresh, Dr Ashutosh Jape, Dr Rishabh Rana

Dr. Ashutosh Jape and Dr. Rishabh Rana could not attend the meeting. Dr. Srikant Sundaresh said that many people are making such remarks and something needs to be done about it. He said he does not know what is required to be done legally but he would like to pursue the matter. Dr Joshi said that the only thing we can do is to file FIR against the person for defamation. He asked whether the person spewing venom in the video is identified? Do we have details of his name, address etc as we will need the details while filing FIR. Dr Sundaresh said that the cyber cell people will be able to find out the details. Dr Ashish Khatod said that they will not do anything. Dr Joshi said that if the person is able to prove the allegations, then there will be precedent. Therefore it is better that we take all possible precautions, collect as much information as possible and then file FIR. Also the two books he has referred to need to be checked. Dr Arun Gadre is backed by Sathi which is an association which does a lot of research and his book "kaifiyat" has interviews of 70+ doctors. We should also procure his book dissenting diagnosis which the video says is not available. Dr Lalit Kumar said that it is available on amazon, and Dr Joshi agreed to purchase it on behalf of the association so that we can decide how we should proceed in this matter. He assured Dr Srikant that MLSI would like to do all that is possible legally, but we should study it well before taking any step.

2. Information regarding LAMP2.

Dr Rajeev Joshi informed that 45 participants have registered for the Certificate Course on Law and Medical Profession and 3 sessions have been conducted so far.

3. Information regarding letter to the Chief Justice of Bombay High Court

Dr Rajeev Joshi informed that based on the letter to the CJ of Bombay High Court, MLSI conducted a survey to which more than 150 doctors have responded. He presented the analysis of the data and said that he plans to submit the data to Bombay High Court by Friday and if possible attend the hearing on 30th October online. If an online link is not available he may go to the High Court and request presenting the data. All agreed to this proposal. Dr Ashish Khatod said that we should submit the data with supporting affidavit that we have collected and analyzed the data, which will carry more importance than sending just a letter. Dr Padmesh Jain asked whether the sample size is sufficient. Dr Joshi said that in next couple of days we can push the survey and get as much data as possible. If the Court says that data is insufficient, we can ask one month's time to collect more data. All agreed on this point.

4. Information regarding IA in the matter of stipend of intern and post graduate students.

Dr. Rajeev Joshi informed that he has submitted the matter online and it will be processed after vacation in the Supreme Court i.e. after 30th October.

5. Information regarding IA regarding generic medicines.

Dr Rajeev Joshi informed that the IA has been handed over to Adv Siddharth Chapalgaonkar who will file it after the vacation. He was waiting to see if NMC or anyone else has filed anything, but till date nobody has filed appearances.

6. Information regarding IA to be filed in Live Demonstration of Surgery.

Dr Rajeev Joshi asked members whether they have gone through the draft of IA which he had circulated. Dr Lalit Kumar said that he had checked it and we should proceed. Dr Devaraj Raichur and Dr Ashish Khatod have also gone through draft and found it ok. Dr Mukesh Yadav said that he agrees that the intervention application be filed. Dr Mahesh Sinha said that he has not had time to go through the draft but he agrees that we should file an IA. Dr Rajeev Joshi informed that Dr M C Gupta has send email saying that he found the draft good except one correction that the nature be said reputed journal

rather than just journal. Dr Rajeev Joshi proposed to submit the draft online and appear in person. Everybody agreed.

7. Progress regarding writ petition for medical tribunal.

Dr. Rajeev Joshi said that this is pending for some time, but he is unable to find time and asked if anyone would like to volunteer. Dr. Sinha said that one Dr is doing PhD on this issue. Dr Joshi said that he knows Dr Satischandra Kale is doing PhD and would ask him if he is willing to take up the task.

8. Discussion on writ petition filed by Dr Aniruddha Malpani :

Dr Rajeev Joshi informed the members that he had forwarded the copy of writ petition filed by Dr Malpani in Supreme Court which he received just before the meeting from the Advocate on Record. Dr Joshi asked whether anyone is willing to prepare response to this petition. Dr Mukesh Yadav said that he would like to work on it but did not have time. Dr Joshi asked Dr Padmesh Jain whether he could work on it. Dr Jain said that he is a novice and would like to assist anyone who takes responsibility. Dr Mukesh Yadav said that he will check the draft prepared by Dr Jain. It was discussed that company law permits the companies to advertise and hospitals are registered companies. At the same time they show doctors photographs in advertisements who may come in trouble as it is against NMC regulation on ethics. Dr Devaraj Raichur said that the misleading advertisements come under Consumer Protection Act 2019 and we have to find whether MLSI will have locus standi or whether affected citizens through MLSI can file a petition. Dr Joshi requested Dr Jain to look into this aspect and then prepare point wise response to the writ petition which we can discuss before next meeting and then take final call at the time of next meeting which will be held on 7th November 2023

Dr. Rajeev Joshi