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## Tribute To Late Dr Vandana Das: Shashi Tharoor Introduces Bill To Make Violence Against Doctors A Non-Bailable Offence

Voicing the critical issue of attack on doctors that has plagued the healthcare sector in India, and proposing means to weed the menace, Shashi Tharoor, Member of Parliament has introduced The Healthcare Personnel and Healthcare Institutions (Prohibition of Violence and Damage to Property) Bill, 2023 in the Lok Sabha. The private member bill, which was introduced in the Parliament on Friday, was introduced by Congress MP Tharoor in honour of the late Dr. Vandana Das, who was brutally stabbed to death by a patient. "If passed, my Bill should be known as the Vandana Das Act, in honour of the brave young medical martyr," MP Tharoor mentioned in a Tweet.

The Bill aims to prohibit violence against healthcare personnel and damage or loss to property of healthcare institutions and for matters connected makes acts of violence against healthcare personnel, including paramedical students and workers, administrative staff and ASHA workers, a cognisable and non-bailable offence. It further calls for speedy investigation and sentencing within a specified time frame and the establishment of designated special courts in every district. Medical Dialogues had earlier reported that the 23-year-old house surgeon, Dr Vandana Das was attacked by a prisoner who was brought to government taluk hospital in Kottarakkara in Kerala's Kollam district for treatment of his injuries. After being stabbed by the patient with scissors, Dr. Das was immediately taken to a private hospital in Kottarakkara, where she died while undergoing treatment.

Recalling this brutal incident, MP Tharoor mentioned in his Tweet, "On May 10, 2023, Dr Vandana Das, a young doctor driven by a commitment to serve humanity, tragically lost her life at the hands of a patient she was caring for in the emergency room. While recognising that nothing would bring back their only child, I had pledged to her parents that her death would not be in vain. She is not alone: It is currently estimated that 75% of doctors face physical & verbal abuse during their service. No doctor should have to fear for their safety while fulfilling their duty." Violence against doctors and healthcare workers has been one of the most important and unsolved issues of the medical fraternity. Numerous incidents of violence have been reported over the years.

These instances reached their peak earlier last year when Rajasthan-based Dr Archana Sharma had committed suicide after being booked for the murder of a patient who had died due to Postpartum haemorrhage (PPH). Doctors are being beaten up daily by unruly attendants but have got only limited relief in terms of law. Even though the doctors have demanded Central Doctors Protection Act, however the same has still been out of their reach. Medical Dialogues had earlier reported that the Union Health Minister Mansukh Mandaviya had announced that the Government is not enacting separate legislation to prohibit violence against doctors and other healthcare professionals. When asked about the rules and regulations for the protection of healthcare workers and institutions, the Union Minister of State for Health, Prof. Satya Pal Singh Baghel recently referred to the Epidemic Diseases (Amendment) Act, 2020, which was passed by the Government of India on 28th September, 2020.

The MoS Health stated, "A Draft "The Healthcare Services Personnel and Clinical Establishments (Prohibition of Violence and Damage to Property) Bill, 2019" was prepared by the Ministry of Health and Family Welfare and circulated for consultations. Thereafter it was decided not to enact a separate Legislation for prohibiting violence against doctors and other health care professionals. This matter was further discussed with relevant Ministries and Departments of Government as well as all Stakeholders, and an ordinance namely "The Epidemic Diseases (Amendment) Ordinance, 2020" was promulgated on April 22, 2020. Later on, the Government of India passed Epidemic Diseases (Amendment) Act, 2020 on 28th September, 2020." While doctors are still waiting for a separate legislation addressing the issues of violence against doctors, Congress MP Shashi Tharoor yesterday introduced in the Lok Sabha "Healthcare Personnel and Healthcare Institutions (Prohibition of Violence and Damage to Property) Bill, 2023". He further reasoned out his submission and said that the increasing and repeated instances of violence against healthcare personnel represents a complex and grave challenge that must be addressed on a priority basis. Violence in any form and in any setting is reprehensible. However, acts of violence against medical professionals and on healthcare institutions are the most extreme and should be dealt with an iron hand.



# Consumer Court India

## Patient Persuaded To Opt For Titanium Implant Instead Of Steel Implant, Forum Slaps Rs 80 Lakh Fine On Orthopaedic Doctor, Hospital

An attending orthopaedic doctor at VIMSAR, a doctor and a private nursing home has been held guilty of medical negligence by the District Consumer Disputes Redressal Commission (DCDRC) in Odisha's Sambalpur district and directed to pay a fine of around Rs 80 lakhs to a patient.

As per reports, the patient had requested the doctor to opt for titanium implant and not stainless steel implant. However, the doctors went against his wish and fixed stainless steel implant resulting in botched up treatment that costed the patient his job apart from rendering him physically challenged. The forum, in the order passed on Tuesday mandated a fine of Rs 78,66,141 which included Rs 20 lakh each by both the doctors (the doctor from VIMSAR and the other from Sambalpur-based Sparsh City hospital, a private nursing home) and the nursing home along with Rs 2.41 lakh towards treatment cost of the victim and Rs 16.25 lakh for losses incurred due to medical negligence. The patient, Sumit Dash met an accident between Sambalpur and Burla towns in 2017, and sustained multiple fractures involving his right leg, right foot and right hand. The following day, he was admitted to the V.S.S. Medical College Hospital, Burla.

However, the orthopaedic doctor told the accident victim that the operation would be possible in a government-run hospital after four days, whereas he [the doctor] could perform the operation in a private hospital on the following day. Going by this advice, the then 24-year-old patient preferred the private nursing home over the government hospital. He was shifted to the private hospital where he underwent surgery and stayed for 12 days, spending Rs 1.26 lakhs including Rs 42,200 as doctor fees.

During pre-operative consultations, the patient's family requested for titanium implant for the fractured bone connecting his knee and ankle, however, the surgeons went for a stainless steel implant that led to infection post operation.

Within a few months of surgery, the patient complained of pain on his right ankle and pus was formed around one of the screws implanted within. Though the patient approached the orthopaedic doctor, he only kept prescribing medicine to control the infection. Soon, the infection worsened.

In August 2018, the patient was compelled to move to a private hospital in Visakhapatnam where he was admitted for around two weeks and warranted a corrective surgery which cost him Rs 1,38,397. The corrective surgery resulted in multiple deformities in the treatment site including shortening of his right leg and the patient underwent treatments, operation and physiotherapy to restore normal functionality. The patient is still under treatment. As the patient ran from one hospital to another for recovery, he could not join a job offered to him by an IT giant. He had got the job offer of systems engineer at Infosys with a monthly salary of Rs 27,084, however, the "wrong advice" cost him considerable time at the beginning of his career.

The complainant's lawyer alleged that, "Although being a premier medical institute, if you send patients to a sub-standard level hospital for treatment, it means you don't have belief in your own hospital. When my client was undergoing treatment, he was not given proper treatment." Hearing the case, the court ruled that in case of non-payment of compensation within a month of the order, the defendant will be liable to pay interest of 12% per annum until realization. This apart, the consumer court has also ordered to pay another Rs 18,66,140 which includes Rs 2,41,101 spent by the complainant towards medical expenses and a pecuniary loss of Rs 16,25,040 which the complainant suffered for about 60 months after losing his job. The forum further observed that due to deficiency in service, not only the victim, his family members too suffered turmoil and monetary losses, reports The Hindu. Meanwhile, the lawyer of the private hospital's owner informed that they will move the Odisha State Consumer Disputes Redressal Commission against the ruling.





# Doctor Booked

## IPC 304 A: 3 Doctors Booked After Patient Dies Due To Anaesthesia Overdose

**Police booked three doctors of Raj Shree Hospital under the charges of death due to negligence of a 17-year-old boy.**

**The cops have registered a case under the section 304 A of IPC against Dr Devendra Bhargava, Dr Kush Bandi, and Dr Khushboo Chauhan.**

**The FIR was lodged by the cops after the family members met the Chief Minister and lodged the complaint against the doctors and hospital on Monday.**

**The family members have also demanded action against the accused doctors and also their arrest.**

**In their report, the doctors of the health department had also found the negligence of the doctors as they didn't go through the requisite tests before giving anesthesia to the boy who was admitted to the hospital for injury in his legs after meeting an accident.**

**The health department has already sealed the hospital after finding various anomalies in the hospital including no registration, and a stock of expired medicines. During the inspection, the officials were left shocked by the conditions in the hospital as the OT, ICU, wards and other areas were filled with dirt and filth and to top it all the hospital didn't have any MBBS doctor associated with it.**

**A complaint of medical negligence death against the hospital was lodged during the 'Jansunvai' on which collector Ilayaraja T directed the Health Department officials to constitute a committee and probe the matter and conduct an inspection. "The hospital was full of dirt and filth. Norms of registration, maintenance of OT, wards, and others were not being followed. Moreover, the hospital had no MBBS doctor associated and those working there were unani medicine practitioners," the officials said, "adding expired drugs were also found in the hospital."**

**Chief medical and health officer Dr BS Saitya said, "The hospital was functional without any registration. Various anomalies were found after which the hospital was sealed."**



## Doctor's License Cannot Be Suspended By Court As Penalty In Contempt Proceedings: Supreme Court

The Supreme Court on Friday held that a medical practitioner's license cannot be suspended as penalty in contempt proceedings. A division bench of Justice B R Gavai and Justice Sanjay Karol observed:

“A medical practitioner guilty of contempt of Court may also be so for professional misconduct but the same would depend on the gravity/nature of the contemptuous conduct of the person in question. They are, however, offences separate and distinct from each other. The former is regulated by the Contempt of Court Act, 1971 and the latter is under the jurisdiction of the National Medical Commission Act, 2019. ”

The Apex Court was considering an appeal filed against the judgement of a division bench of the Calcutta High Court which upheld various orders of a single bench that suspended the appellant's medical license as penalty in the contempt proceedings initiated against him. The case against the appellant was that he had unauthorizedly constructed a structure which deviated from the plans sanctioned by the Siliguri Municipal Corporation.

“Whether the suspension of the Petitioner's license to practice medicine is alien to the nature and types of punishment and penalties specified under the Contempt of Courts Act, 1971?” was the question to be considered by the Apex Court in the said case. The Apex Court noted the National Medical Commission Act of 2019 governs the issuance, regulation, and suspension of medical practice license in India. A statutory body known as the National Medical Commission has the exclusive authority to take disciplinary action against registered medical practitioners for misconduct as defined by the Act.

The Act itself outlines a comprehensive mechanism for revoking the license of a registered practitioner in cases of professional misconduct. The process revoking license involves conducting an inquiry and, ensuring a fair hearing for the practitioner before a decision is made, the Court observed.

The Top Court opined that it is trite law that power of contempt must be used by courts judiciously and sparingly: “ The Court has time and again asserted that the contempt jurisdiction enjoyed by the Courts is only for the purpose of upholding the majority of the judicial system that exists. While exercising this power, the Courts must not be hypersensitive or swung by emotions but must act judiciously.” the Court stated.

The Court also concluded that Section 12 of the Contempt of Courts Act only envisages fine and simple imprisonment as punishment for contempt. The Supreme Court accordingly set aside the order of the division bench and the various orders of the single bench.

“ this Court has no hesitation in holding that the punishment handed down to the contemnor is entirely foreign to the Act and, therefore, unsustainable. The Court, in awarding such punishment showed complete disregard for the statutory text of the Contempt of Courts Act 1971, which is abundantly clear in respect of the punishment that can be imposed thereunder”

The Apex Court hence allowed the appeal and revived the licence of the appellant to practice medicine.





# MEDICAL NEGLIGENCE

## Toddler whose arm was amputated due to alleged 'medical negligence' in Chennai hospital, dies

The one-and-a-half-year-old toddler whose right hand was amputated last month passed away at the Government Institute of Child Health, Egmore today. According to doctors at the ICH, the toddler passed away around 5.40 am on Sunday after battling for life in the ICU.

His parents had, in June, alleged medical negligence on the part of the Rajiv Gandhi Government General Hospital doctors and nurses that resulted in the amputation of his hand.

However, an internal doctors committee constituted by the Health Department gave a clean chit to the hospital staff and said that a bacterial infection called Pseudomonas could have led to Ischaemia that resulted in the amputation of the limb.

The parents had said they were not satisfied with the report as it didn't take into consideration their version of events as presented to the committee.

Azeesa Abdul, mother of the toddler had claimed that the boy developed gangrene due to a wrong insertion of an IV cannula by a staff nurse in the hospital.

The toddler, who was born preterm, was diagnosed at birth with hydrocephalus, a neurological disorder caused by an abnormal buildup of cerebrospinal fluid in the ventricles (cavities) deep within the brain.

Treatment involves surgically inserting a shunt into a ventricle to drain the fluid. He had undergone a VP shunt procedure at the Rajiv Gandhi Government General Hospital in 2022.

After allegations of medical negligence by the toddler's parents Azeesa Abdul and Thasthakir Meera, the government had constituted an internal committee.



## **No criminal proceedings against Indian medicine practitioners for using allopathy: HC**

**No criminal proceedings can be initiated against Indian medicine practitioners if they use/prescribe allopathic medicines too, the Madras High Court has ruled. Justice RMT Teekaa Raman gave the ruling recently while allowing a criminal original petition from Dr R Senthil Kumar, who sought to quash the chargesheet registered against him before the Judicial Magistrate No.1, Salem in 2018. Panamarathupatty in Salem, on the orders of the Joint Director of the Medical department, had conducted a raid in the premises of the petitioner's clinic in October, 2017 and found Kumar, who had BHMS in Homoeopathy Medicine, had been practising in allopathy medicine also and seized the same from his clinic. Based on this complaint, the local police registered an FIR under Section 15(3) of the Indian Medical Council Act and under Section 420 (Cheating) of the IPC. Challenging this, the present petition is filed. The petitioner's counsel cited a circular issued by the Tamil Nadu Director General of Police in October, 2010, which stated the doctors of Indian medicine should not be disturbed if they use/prescribe allopathy also. Allowing the petition, the judge said that in the light of the said circular, it is imperative that no proceedings can be initiated against any of those registered practitioners in Siddha, Ayurveda, Homeopathy and Unani, who are eligible to practice irrespective of the respective systems, with Modern Scientific Medicine also including Surgery and Gynecology Obstetrics, Anesthesiology, ENT and Ophthalmology.**

**In the said circular, a specific request had been made to the subordinate police the TN Siddha Medical Council, TN Board of Indian Medicine and TN Homeopathy Medical Council. Hence, it is clear that without following the said direction, the present case has been registered by the police. In view of the settled proposition of law, as also a judgment on the same lines of the High Court in 2010, besides taking note of the factual position that the petitioner herein is a qualified medical practitioner and after seeing the seizure mahazar, the judge said he finds that the law laid down in the above said decision squarely covers the factual position and therefore has no hesitation to quash the charge sheet, the judge said and quashed the same**

# NATIONAL MEDICAL COMMISSION



## MBBS Students Admitted After August 30 Will Not Get Recognition, Medical Colleges Will Face Action: NMC

The National Medical Commission (NMC) has now clarified that, from the next academic year, there shall be no admission of MBBS students in respect of any academic session beyond 30th August. In fact, the Apex medical education regulatory body has also made it clear that any student who gets admitted after the last date for closure of admission shall be discharged from the course and NMC shall not recognize any medical qualification granted to such a student.

The Commission has also warned the medical colleges that any institute which grants admission to any student after the last date, shall be liable to face NMC action. These directions have been issued by the NMC in the recently released final Competency-Based Medical Education Regulations 2023, which came into effect on August 01, 2023. The draft CBME Regulations 2023 were published on June 23, 2023 and NMC UG Board had invited comments regarding the same as well. "After consideration of comments received, in exercise of powers conferred by the National Medical Commission Act, 2019 and particularly by sections 10, 24, 25, and 57 of the said Act, Under Graduate Medical Education Board publishes the Competency Based Medical Education Regulation 2023," mentioned the recent notice issued by the Director of UGMEB, Shambhu Sharan Kumar.

While discussing the phase-wise training and time distribution for professional development along with the training period and time distribution, NMC also specified that the first Professional year of the MBBS course starts with induction through the Foundation Course by the 1st of August of each year from academic year 2024-25. "Universities shall organize admission timing and admission process in such a way that teaching in the first Professional year commences with induction through the Foundation Course by the 1st of August of each year from academic year 2024-25," stated the regulations.

Specifying August 30 of each year as the last date of MBBS admission, NMC further mentioned in the regulations, "There shall be no admission of students in respect of any academic session beyond 30th August from academic year 2024-25. The Universities shall not register any student admitted beyond the said date." The Commission further warned to take action against such students admitted after the last date of admission and also warned the medical colleges of possible action for admitting student after the deadline.

In this regard, the regulations mentioned, "The national medical commission may direct, that any student identified as having obtained after the last date for closure of admission be discharged from the Course of study, or any medical qualification granted to such a student shall not be a recognized qualification by National Medical Commission." "The institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by National Medical Commission," it further mentioned. Medical Dialogues had earlier reported that similar directions were previously issued by NMC when it released the CBME curriculum for the MBBS course through a circular dated June 12, 2023. NMC had further confirmed that these new guidelines shall be applicable to all the admission made in the MBBS course in a medical college in the academic year 2023-2024. However, later NMC withdrew and cancelled the circular dated 12.06.2023 altogether and along with it the CBME curriculum, guidelines for Manpower requirement for research facilities in a medical college, Admission of students under "Disability Category" in MBBS course, Format for submission of information regarding admission of in a medical college were all cancelled. Later, NMC released a draft version of the curriculum and after inviting comments regarding the draft, it implemented the final version on





## Chemotherapy Given To Non Cancer Patient: KGMU Doctor Slapped Rs 4.5 Lakh Compensation

A professor of radiotherapy department at King George's Medical University (KGMU), Lucknow, has been directed by the District Consumer Disputes Redressal Commission, Lakhimpur Kheri to pay a compensation of Rs 4.5 lakh with an interest of 7% per annum, and an additional Rs 50,000 as compensation to a woman who was given chemotherapy by the senior doctor after being wrongly diagnosed as a cancer patient.

The order was passed by Kheri district consumer commission chairperson Shiv Meena Shukla, and two members Dr Alok Kumar Sharma and Joohi Quddusi based on a petition filed by Rani Gupta (patient/complainant), a resident of Lakhimpur Kheri. The case concerns a 45-year old woman, Rani Gupta who moved the district consumer commission alleging that the doctor, who was then an assistant professor at KGMU, wrongly gave three doses of chemotherapy for treatment of breast cancer, even though she had no cancer. In 2007, the woman had undergone a surgery for a lump in her left breast at a private nursing home in the district. The tumour was detected when she underwent a fine-needle aspiration cytology test, a diagnostic procedure used to investigate lumps or masses under the skin.

After her discharge from the nursing home, the surgeon advised her to consult a senior doctor in KGMU, as a review report prepared by a private diagnostic centre said that she had "borderline malignant phyllodes tumor". Earlier in 2004 too, the patient had gone for surgery to remove a lump from her left breast. But back then, after surgery, only a phyllodes tumor was found with no evidence of malignancy. However, in December 2007, when the patient showed her medical reports at OPD in KGMU, the senior doctor who was then assistant professor in the department of radiotherapy, after getting further blood test, x-ray and ultrasound advised her to undergo chemotherapy.

Accordingly, the patient was admitted at KGMU and given chemotherapy between January 1 and January 3, 2008. She was asked for a follow-up in February. Later, she took another opinion from senior doctors of a Mumbai-based cancer specialty private hospital on her slide and block (biopsy), where the doctors confirmed that she was healthy and had no sign of cancer. Aggrieved, the patient moved the consumer commission.

She claimed that after the chemotherapy started, her eyesight was affected and she suffered hair loss. She also claimed that she and her family had to face mental anguish after being told that she was suffering from cancer.

Deliberating the case, the Commission instructed KGMU to form a committee to probe the same.

Based on consumer commission's instruction, KGMU formed a committee comprising chief medical superintendent of Gandhi Memorial and associated hospitals, HoD, Radiotherapy, KGMU, HoD, surgical oncology department, KGMU, and HoD endocrine surgery, KGMU. The committee concluded that the senior doctor of the radiotherapy department conducted only blood tests, ultrasound and chest xray. No other investigation was done. To ensure if the patient has cancer or not, the best method is to get the slides and blocks reviewed by an expert pathologist, the committee added. Based on the committee's findings, the consumer commission has ordered the senior doctor to pay the compensation in a month. Meanwhile, the professor is looking forward to challenge the order at an appropriate forum.



## As infection cases rise in Delhi, doctors advise to maintain hygiene, avoid self medication

With the rising cases of monsoon-related infections coming to outpatient departments (OPDs) of hospitals in the national capital, doctors have advised people to maintain hygiene and opt for consultation before taking medication for illness. According to doctors, this year's monsoon and subsequent floods in Delhi have caused sanitation issues, leading to a rise in seasonal infections.

"This year is different. The monsoon has been quite aggressive. We have not seen such monsoons in Delhi for a long time, and diseases are also associated with the flood. We have noticed a lot of cases of Typhoid. Dengue has started picking up, and Conjunctivitis is on the rise," Dr Souradipta Chandra, a consultant physician, Internal Medicine, Helvetia Medical and Diagnostic Centre, said while speaking to ANI.

"Any sort of self-medication should be avoided. If a typhoid patient starts taking antibiotics that may not be effective against the disease, eventually the body will develop resistance to the drugs. So have a word with your doctor. If your Conjunctivitis is of viral origin and you start taking eye drops that have steroids in them, you actually take a risk of prolonging the infection," he added. He further mentioned the causes of Conjunctivitis disease and urged the public to take the necessary precautions.

"Currently, we have seen a rise in cases of conjunctivitis. Its symptoms are redness and watery pus from the eye. Usually, the causes are bacteria. Remember, this disease does not spread by looking into the eyes of another person. Maintain hygiene; those who are infected should wear glasses and wash their eyes with cold water," he added. Dr Suranjit Chatterjee, Sr Consultant, Internal Medicine, Indraprastha Apollo Hospital, said that Conjunctivitis patients should be isolated to prevent spreading to other people.

Conjunctivitis, which at this moment is common in Delhi, is also caused by viruses or bacteria and presents as eye redness, itching, eye discomfort and discharge. It needs isolation to prevent spread to other people, eye care and sometimes antibiotics under the guidance of an ophthalmologist, the doctor said. Dr. Avi Kumar, Senior Consultant, Pulmonology, Fortis Escorts, Okhla said that patient should seek immediate medical attention promptly once they experience any symptoms of these diseases or conjunctivitis.

"In Conjunctivitis, wash hands regularly, avoid touching eyes, and don't share personal items. Consult a doctor. If you have symptoms like redness, itching, and discharge from the eyes. Avoid self-medication, follow the prescribed treatment and avoid using over-the-counter eye drops. Remember to seek medical attention promptly if you experience any symptoms of these diseases or conjunctivitis," he said. He further stated that people should stay hydrated and must try to avoid street food in this season to prevent Typhoid. "Consume only clean and cooked food, and maintain proper sanitation. Prevention and care during monsoon. Stay hydrated. Avoid street food. Keep surroundings clean," he added.





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