

Minutes of the Meeting dt 26th July 2022

The meeting was attended by :

Dr. Mukesh Yadav	Dr. Pramod Umarji
Dr. Nitin Dhande	Dr. Ashish Mittal
Chandrashekhar Bhosale	Dr. Amol Awachar
Dr. Ashish Khatod	Dr. Avinash Bansal
Dr. Neelesh Wadnap	Dr. Devraj Raichur
Dr. RMK	Dr. Shubhangi Mundada
Dr. Hitesh	Dr. Pradeep Arora
Dr. Srikant Sundaresh	Dr. Rajeev Joshi

Apologies for missing a couple of names of those who joined a little late.

Dr. Rajeev Joshi described progress in various matters being handled by him

1. **Registration of association** : Documents submitted to the Advocate on 16th July after all office bearers had signed them. Advocates submitted on 18th, Got acknowledgement on 19th and few queries were raised by 25th which have been answered. Regarding having India in the name, we have submitted a letter stating that there are similar associations of Malaysia, Toronto, Nepal etc countries, and in India, there are state wise associations e.g. Kerala, Karnataka etc. Therefore our request of having a name as Medicolegal Society of India may please be granted.
2. **Regarding violence case in Kerala high court** : Dr Rajeev Joshi has had meetings with IMA KSB and APH Kerala and draft of PIL was submitted to advocates of IMA KSB who have appreciated it. They requested to draft an interim application which was done by Dr Rajeev Joshi and it is ready for submission. The matter was listed for 22nd July but the bench did not sit on that day for some reason. Revised date will be available soon, and IMA KSB will keep us informed regarding proceedings.
3. **Regarding advertisement by Patanjali of Ramdev** : Dr Rajeev Joshi has obtained three copies of Times of India dt 9th July 2022 and had discussion with advocates. They agreed that a complaint should be filed with the drug inspector, if he does not act on it then a private complaint should be filed in Magistrate court. If filed directly in MC, then he may ask for a reply from the State Government and subsequently it will be Ramdev vs State of Maharashtra (or any other state where case is filed). They raised the issue that if we lose the case, we will have to go to district / high / supreme court otherwise Ramdev will use our loss for his advantage. If he loses, he will take us upto supreme court, so whether our association is willing to go up to that stage. If not better not to initiate any proceedings, even though win is likely for us.

Therefore he raised this issue in the meeting as to whether the association wants to fight till its logical conclusion, given the fact that association is yet to be registered, account is yet to be opened and as of today we may not have financial muscle to take on the bigwigs. However he said that this is the reason for which we have formed the association, and we can and MUST try and proceed with filing the case if found possible by all members.

Dr. Devraj Raichur suggested that we discuss this issue with IMA at various levels as IMA has financial power which we do not have, and we have legal wisdom which IMA may not have. Dr Joshi said that while he has no reservations with IMA, he has knowledge that IMA will not file any such case because it is not in their agenda, **Dr. Srikant Sundaresh** said that IMA byelaws do not permit them to file litigation. Dr Joshi gave the example of IMA vs V P Shantha and Dr Yadav gave the example of IMA vs Baba Ramdev in Delhi High Court. So it is not correct to say that their byelaws prevent them, but their approach to legal issues does. Dr. Rajeev Joshi gave a number of examples of his interaction with IMA Pune and though all the managing committee members are friends, they do not think about litigation as they think about their own term of one year in which they want to do so much for the fraternity. However he is open if any members take up responsibility of building bridges with IMA.

Dr. Pradeep Arora joined a little late after the above discussion and was appraised about it. His opinion was sought. He said that he wants the matter to reach the high courts and supreme court. If we lose, we will appeal and if baba ramdev does not appeal, we are ok.

1. We need not worry about finances regarding high court and supreme court
2. He wants members to file cases in magistrate courts of several cities so that he can take up matters in higher courts. The only thing required is original news paper published in that city as courts ask for original documents and not digital.
3. He will give a draft of complaint to be filed in magistrate court, and anyone who wants to file in person, is welcome as finally it will be State vs Ramdev with one of our members as party to the complaint will be able to take the matter to higher courts.
4. He will be filing in Nagpur and giving draft to all members who may be interested, he will remain present in the lower courts so that he knows what to say in the appeals.
5. If we take money from IMA they will dictate terms as to when the case should be withdrawn. They do this time and again e.g. Delhi High Court case was withdrawn. So it would be up to your association whether to approach IMA or otherwise.

Many members opposed the idea of approaching IMA for various reasons and it is obvious that members are not happy with IMA. However, Dr. Rajeev Joshi requested Dr. Raichur to open a channel of discussion and see whether IMA is willing to extend financial support, as we do not want to project that we are not at all interested in interaction with IMA. We can decide terms of engagement if they are open to join hands, otherwise there is no question.

Dr. Rajeev Joshi asked what would be the limitation period for filing the case. Dr. Arora replied that it will be 3 months, which means we have to file a complaint within 3 months.

Dr. Mukesh Yadav asked whether government servants like him can file a case. Dr. Arora replied that since it is a criminal case even govt employees can file one.

Dr. Ashish Khatod said that since Ramdev Baba has hold on BJP and many State Govts. are ruled by BJP whether the public prosecutor will procrastinate the case. Dr. Arora said that they may procrastinate but we will have surgical precision in our case so that no judge will give judgement against us. We will use social media effectively using the strength of our members and try to close the case early. We should see to it that Ramdev Baba will not be able to retaliate and file defamation suit against us. Except that success will be with us.

Dr. Arora said that we should grab this opportunity as the error Baba has made is a serious breach of law. This is a golden opportunity to show that doctors have adequate legal muscle. Dr. Mukesh Yadav said that we should go ahead with filing the case. He said that he has copies of Dainik Jagran which is a local newspaper in Lucknow and also another national daily which he will check. He will send the digital copies to the groups as soon as possible.

Dr Nitin Dhande suggested that we should fix the day and time for the meetings so that people do not forget. Dr Shubhangi Mundada suggested holding it on Wednesday or Thursday, but many members said that they do not have time other than Tuesday. It was decided to hold regular meetings on alternate Tuesdays. An emergency meeting can be called in between. Accordingly next meeting will be on 9th August 2022.

Dr. Rajeev Joshi said that to conclude, he will ask members to

1. Inform whether they have copies of newspapers of 9th and 10th July 2022 which carry the objectionable advertisement. They may inform the city and date of publication.
2. Let us know whether they are willing to volunteer to file a complaint in local magistrate court for which draft will be given by Dr Pradeep Arora. They can find from their lawyer friend what could be the cost of filing the case and subsequent follow up as the case will finally be between State and Ramdev's Patanjali.