

Minutes of meeting dt Aug 9, 2022

Online meeting of medicos legal aid association was conducted on Tue, Aug 9, 2022 between 8:50 pm to 10:00 PM It was attended by:

Dr Sanjay Gupte
Dr Mukesh Yadav
Dr Sangeeta Pikale
Dr Ashish Khatod
Dr Nitin Dhande
Dr Devraj Raichur
Dr Kumbhar
Dr Ashutosh Jape
Dr Rajendra Jangale
Dr Anjali Patil
Dr Mahesh Sinha
Dr Malati Gupta
Dr Hitesh
Dr Aditya Vajhala
Dr Anand Harke
Dr Amol Awchar
Dr Lalit Shah
Dr Kamal Parwal
Dr Kazmi
Dr Gaur
Dr Rajeev Joshi

Apologies for missing names of few members who joined after starting the meeting.

The Following points were discussed:

01. Information regarding formation of the association Dr. Rajeev Joshi was invited last week and again has been invited for a meeting on 10th August @ office of registrar. It was agreed that if ROS can not giveof India in the name due to restrictions in the emblem Act, we will accept **Medicolegal Society** as name and then apply to the central govt for adding "**of India**" and subsequently apply for change of name. Dr Gupte suggested All states to be added before medicolegal society, Dr Devraj Raichur suggested Interstate be added before Medicolegal Society, Dr Mukesh suggested Federation be added in the name. Dr Rajeev Joshi said that he will put these suggestions before the ROS and take it forward.

02. Information regarding kerala high court matter : IMA KSB has submitted the interim application. Not heard on 22nd July, pending

03. MOU with fergusson law college : Dr, Rajeev Joshi said that the it is pending for formal registration of society.

04. Dr Sumeet Periwal : Dr Rajeev Joshi had written an email with an offer for a travel grant. No further communication from Dr Periwal regarding requirement of

additional funds, what transpired in the meeting or connecting association with north east state members.

05. Comments on NMC guidelines : Tabulation work done by Dr Swati Dole and Dr Amita Ray has been integrated. (awaiting from others)

06. Ahmedabad compensation case :

Dr Vijay Tyagi informed that Dr Rankit was not interested in talking about the case and requested to leave him alone. **Dr Mahesh Sinha** said that this is a clear example of the consumer forum crossing its authority. Email has been forwarded to concerned contacts but they said

A. 50% amount has to be deposited

B. Too much harassment of legal process, how long can one continue to fight

Dr Sanjay Gupte had contacted Dr N C Patel, member of FOGSI who in turn contacted Dr Gargi Bhatt. They said insurance company may not support appeal and if an additional penalty is imposed by SC then insurance company may not cover. Hence the hesitancy to go on appeal.

Dr Rajeev Joshi referred to SC judgement in relation to the financial package for COVID-19. 20 associations of industries demanded changes in policy decisions. The Supreme Court said that the Ministry of finance, RBI and Indian Banking Association who were respondents had expertise to decide the policies. They also formed a committee of experts which drafted the policies. The Supreme Court has no such expertise and unless the decisions are arbitrary and illegal in view of the constitution and legal rights of petitioners; it can not intervene. They therefore accepted only one prayer out of 10 prayers which differentiated between borrowers below 2Cr and above 2Cr for there was no justification. This classification is solely arbitrary and is based on no intelligible differentia having nexus with the object.

Dr Joshi added how courts which do not have expertise in medical matters can summarily decide matters without taking expert opinion. Difference between complication, accident and negligence needs to be clearly determined by the judiciary. It is high time that we protest against such random decision process.

For this we must convince both Dr Gargi and Dr Rankit that in the interest of fraternity this order must be challenged in the National forum. Association can take responsibility for this as amounts involved are relatively small as compared to Dr. Ghike's case and the association is in its formative stage.

07. 1.25 cr compensation (Dr Ghike) :

Dr Ashutosh Jape said he contacted Dr Ghike many times, but he is reluctant to talk. Does not pick up phone. If we do not intervene in supreme court, this will become landmark judgement. Percentage of something is always missed and all ultrasonologists make mistake. He has requested IRAI Nagpur to go personally to him and talk to him in this regard and convince him for going in appeal.

08. Dr Trinyan Mili : Dr Sangeeta Pikale contacted him two weeks ago. He said the inquiry is over and mostly it will be in his favour. Local associations are supportive and no help is required at this stage.

09. Medical manual : Dr Saxena was absent so progress regarding formation of the committee could not be discussed.

10. Patanjali / Ramdev baba : Dr Arora was supposed to inform group regarding next course of action. However he was absent. Only Dr Rajeev and Dr Mukesh have responded with copies of original newspapers of 9th July. Will wait to hear from Dr Arora, who circulated news regarding a case regarding coronil filed in Rajgurunagar Court by complainant in Junnar.

11. Dr Mukesh Yadav raised the issue of CCTV camera installation in hospitals and personal data protection is due. On one side there is a security issue and on the other side there is privacy issue. After discussion it was decided that Dr Mukesh Yadav to draft a representation which will be circulated in the group and after discussion, it will be sent to appropriate government agencies.

12. Dr Mukesh reminded about the letter **of support for DGME** appointment. Dr Joshi said that Dr Rajendra Chaturvedi was awaiting supreme court judgement from Dr Yadav after which he will send draft letter to committee members and after discussion it will be finalised.

13. Dr Sangeeta Pikale suggested that for each issue we need someone to take a leadership role and take the matter to its conclusion. Many times members come out with brilliant ideas, and then they rely on committee members to work on them. Subsequently the ideas become orphan. Therefore, such a person who has the idea close to his heart, should be designated as leader for that task, he can prepare a draft and circulate it. and can also work for fundraising for the cause. Dr Gupte agreed to this suggestion and said others can help. Dr Rajeev said that such a leader can form a committee and delegate responsibility to members and get the work done so that he coordinates all the sub-tasks. Dr Pikale said that such a person should also get credit for the task taken up and accomplished. Everyone agreed to this suggestion.

The meeting concluded at 10:00 pm.

E&OE

Dr Rajeev Joshi
founder / proposer
Medicos Legal Aid Association