



MEDICO-LEGAL SOCIETY OF INDIA

Regd with ROS Pune on 24/082022 vide 1319/2022 1416, Sadashiv Peth, Pune 411030

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Minutes of the meeting dt 01/11/2022

Online meeting of Medico-Legal Society of INDIA was organised between 850 to 10 25 pm on Tuesday, 1st Nov 2022. Following members attended the meeting

Dr. Mukesh Yadav	Dr. Surendra Saxena
Dr. Ashish Khatod	Dr. Deepak Shah
Dr Suresh Vasishtha	Dr. Rishabh Kr Rana
Dr. Amol Awachar	Dr. Anoop Hajela
Dr. Shivkumar Utture	Dr. Adarsh Kumar
Dr. Sayyad Aslam Shakoor Kazmi	Dr. Ajay Tiwari
Dr. Vijay Tiwari	Dr. Arun Kumar Samar
Dr. Hitesh Dr.	Dr. Rajeev Joshi

Dr Rishabh Rana shared experience about his being invited as witness for PCPNDT case where at the time of inspection he was part of the inspection committee in Dhanbad, Jharkhand. He felt the it was not correct to expose his name to the parties. Dr Anoop Hajela suggested that the judicial member of the committee should represent the committee in the court and not other individual members. Dr Amol Awachar said that he can just send a written statement. Dr Utture who was President of Maharashtra Medical Council said that individual members of the committee have no role to play in the matter, the appropriate authority of the State should do the needful as per Central Act. He should therefore ask the State Committee to respond to this notice.

Dr Rajeev Joshi said that the meeting was called to discuss outreach of the association. He had initially requested respondents from various states to allow him to use their names to be printed on the letterhead for getting "OF INDIA" in the name. Since some agreed, their names were put on the letterhead and the task of getting registration of the members was accomplished. Next step would be to appoint a leader for each state, for which he sent requests to all members who had helped initially by permitting to use their names on the letterhead. While some have responded by making payment of membership fees, others have not responded by email / whatsapp message. He would therefore seek suggestions from members regarding how to go about appointment of state leaders.

Dr Mukesh Yadav said that when it comes to payment of membership fees, people backtrack, as seen in many organisations. We should therefore distribute the task of appointing state representatives to the zonal incharge members who should talk to initial responders.

Dr Rishabh Rana said that we should have a database of members who responded initially, and then zonal and state in charge members should call the members personally and give inputs as to who paid, who are willing to pay and who are not interested etc. This task can be done region wise.

With inputs from above two members it was decided that Dr Rajeev Joshi will share list of initial responders with the members who have already paid membership fees so that they can be contacted by zonal and state incharge members and subsequently we can appoint divisional incharge members so as to be able to go to the next level.

Dr Anoop Haleja said that for any association, it is necessary for prospective members as to how the member will be benefitted. What the association will do for me. We have to popularise that the main aim of the association is to help doctors in medicolegal problems.

We should ask doctors in various states what their problems are, and how they can be solved; should be discussed and acted upon in order to make the association popular.

Dr. Rishabh Rana said that core detail is not necessary for any prospective member to decide whether he wants to be a member of the association. They are not interested in reading the constitution of the association, or visiting the website or reading through the flyer. He suggested making 4-5 bullet points which will appeal to the prospective members. If that interests them then they may read the flyer or visit the website and become members.

There was discussion that in order to become a member of a medicolegal association, prospective members should be willing to read long judicial pronouncements and lengthy petitions etc. However in view of the whatsapp generation, who has a very short attention span we should also try and make catchy, attractive bullet points. Responsibility of doing this task was given to Dr Rishabh Rana who will revert with what we can call "**Visiting Card**"

Dr Mukesh Yadav said that there is an event of IMEL on 6th November and he will share the link of the event with all members. He also reminded members to become volunteers for the **Patient Safety event planned by MLSI on 9th December**. Dr Gupte and Dr Das have volunteered. In addition to Dr Mukesh Yadav, one or two more members can be accommodated. Dr Mukesh Yadav will plan the online event.

Dr Rajeev Joshi informed the members regarding impleade / intervention application being filed in Supreme Court in the matter of Dr Suneet Upadhyaya vs UOI and others. He informed that the matter filed by AMC was rejected for want of a directly affected party. Dr Joshi had forwarded the order in that case to Advocates of Dr Upadhyaya, who informed the court that they had directly affected the party and hence notices were issued in the matter. The Chief Justice was not willing to entertain matters by Delhi Medical Foundation and IMA Dwarka as they were similar in nature to AMC, and the court had an obligation to treat them similarly; but since the advocate for DDF and IMADw said they have different prayers, notices were issued in these matters also. Advocates of Dr Upadhyaya had appreciated the documents forwarded by Dr Rajeev Joshi for and on behalf of MLSI and they have suggested to impleade (their making us party) / intervention (our requesting to assist the court) decision about which will be taken in a couple of days. Adv Sneha Bhonsle helped through the process and will be helping in imploding / intervening in the matter.

Dr Saxena suggested that in the intervention application we should ask for compensation for Dr Archana Sharma's Death on lines parallel to huge compensations given by courts for death of patients due to medical negligence. There was a lot of discussion in which Dr Anoop Hajela, Dr Sayyed Kazmi and Dr Shah participated in addition to Dr Mukesh Yadav and Dr Rajeev Joshi. The conclusion was as under :

Dr Archana Sharma committed suicide due to wilful harassment by Police and Public which can not be equated with medical negligence cases. We should restrict the scope of petition only to the human loss due to incorrect application of 302 instead of 304A by the police. Therefore we should ask for compensation for her earning for next say 25-30 years, mental agony suffered by her and her husband, suffering of her children and additional amount for deterrence to the police as well as government machinery to prevent such occurrences. Exemplary punishment should be handed to erring police officers individually.

Dr Mukesh Yadav will collect documents for various formulas for compensation

Dr Surendra Saxena will collect various judgments related to such compensation using MVA

Dr Hajela and Dr Kazmi will collect documents related to compensation mechanism

Dr Rajeev Joshi will submit documents related to compensation given by courts to doctors

We will discuss ONLY this agenda on Friday 4th November in an online meeting at 850 pm.