

Minutes of the meeting dt 20th June 2023

Online meeting of Medico Legal Society of India was organised on Tuesday 20 th June 2023 at 08.50 pm. It was attended by

Dr. Mukesh Yadav	Dr. Shivkumar Kumbhar
Dr. Mahesh Sinha	Dr. Lalit Kumar
Dr. Narsimha Rao	Dr. Elizabeth Sada
Dr. Manisha Jagtap	Dr. Milind Joshi
Dr. Ashutosh Jape	Dr. Manish Nigam
Dr. Sunilkumar Konda	Dr. Thumati Sanjay
Dr. Anish Dhar	Dr. Milind Joshi
Dr. Indranil Ghosh	Dr. Rajeev Joshi
Dr. Ashish Khatod	

Following points were discussed during meeting

1. New members and attendees introduced themselves Dr Milind Joshi, Dr Manish Nigam, Dr Anish Dhar and Dr Indranil Ghosh
2. Regarding appeal before NCDRC by doctors from Telangana, Dr. Sanjay (neurosurgeon) who is one of three appellant informed that they have withdrawn the appeal because the presiding officer of NCDRC threatened to increase the amount of compensation without going into merits of the case as the deceased was a lawyer. He informed that the ECG of the deceased was found and it is within normal limits. Dr. Mahesh Sinha pointed out the issue of lack of communication between appellant and their advocate. Dr. Sanjay explained the situation. He further added that as we are a total of three parties and out of these three two have decided to withdraw the appeal we have withdrawn it and the presiding officer's threat is the only reason for this withdrawal.

Dr. Joshi informed the entire incident and subsequently he requested Adv. Rana (appellant's advocate in NCDRC) to state the fact of threatening by the Judge on affidavit because only on the basis of that affidavit MLSI can file a PIL / SLP before SC. Adv. Rana refused to do so. Hence Dr. Joshi suggested that Dr. Sanjay should state the same facts on affidavit. Dr Joshi narrated his experience in Bombay High Court when his lawyer was threatened that the MBBS and MD degree of his client will be cancelled for doing trade union type activities. Dr Joshi had asked the lawyer to remove his vakalatnama, and decided to face the court. He dared the judge to cancel his degree as it was not within his powers to do so because the degree was given by Maharashtra Medical Council and all that judge could do is to advise MMC. On that the writ petition was admitted which was taken to the chief justice of bombay high court by Dr Rajeev Joshi for change of bench. We have to stop such threats by the judiciary.

MLSI will collect data through google form, in addition to following two other cases. In spite of no negligence in one case NCDRC directed to pay compensation and in another case the hospital was ready to pay compensation on humanitarian grounds, to which NCDRC said that it should not be precedent.

Dr. Sanjay said that he is ready to file affidavit, but he has three questions.

First will the court give importance to his affidavit when there will be no proof of facts stated in it. To this Dr. Joshi clarified that he will also submit an affidavit stating the same fact and he has whatsapp chat history as proof to prove facts which he can submit under section 65B of evidence Act for electronic evidence.

Second question was whether he has to appear before SC to which Dr. Joshi replied that being appellate court SC doesn't take evidence of witnesses it relies only on affidavit so no need to appear before court.

Third question was that after filling such PIL/ SLP is there any possibility of reopening this withdrawn appeal because if the case is reopened and amount of compensation is increased then it will be bad for us ? to this Dr. Joshi replied that as we are praying court to think over alternate and proper way to deal with such matters where doctors were punished without committing any negligence and as you already paid the compensation and not praying for reopening of case there is no possibility of reopening of case. Dr Khatod also agreed that court will not go beyond the prayers in the petition and before doing that they may call the advocate as officer of the court to depose before court the exact facts of the case.

Dr. Joshi asked Dr. Mahesh Sinha what will be the stand of ISA on sharing of increased amount of compensation if any? to which Dr. Sinha replied that he has to discuss this issue with office bearers of ASI.

Dr. Rao asked Dr. Sanjay whether you thought over a plan of action if the opposite party files an appeal for an increase in compensation? to this Dr. Sanjay replied that we will discuss this issue, but as per their understanding chances are remote.

3. Regarding felicitation of Dr. M. C. Gupta on occasion of Doctors' Day, Dr. Lalit Kumar informed that at the beginning of the program we will introduce in brief about Dr. M. C. Gupta and his contribution to the medical fraternity. Dr. Siddharth will be present at the home of Dr. M. C. Gupta and he will facilitate on behalf of MLSI after which lecture will be delivered by Dr. M. C. Gupta on pre pre-decided topic "Doctors as Lawyers" and then there will be a vote of thanks. Dr. Rao suggested that there should be a question and answer session after lecture. Dr. Kumbar said that since this is a felicitation program, there will not be any question answer session. Dr Narsimha Rao suggested that the program should be open for all medical practitioners. to which Dr. Joshi agreed. Dr. Mukesh Yadav informed that within a couple of days he will convey his plan to make this event more accessible to the medical fraternity through his platform.
4. Dr. Jape informed the participants that in one of our previous MLSI meetings he discussed atrocities committed by appropriate authorities on radiologists and gynaecologists. He further asked whether MLSI can file an intervention application in this matter. Dr. Joshi replied that IA can be filed only for assisting the judiciary and can not be filed for any prayer and for that we have to discuss what additional points we can bring before court. Dr. Jape asked whether we can invite our lawyer in the next meeting who can explain the matter in a better way to which Dr. Joshi agreed.

The meeting ended at 10 pm with resolution to meet on 3rd July 2023.