



17th October, 2019

Minutes of the Delhi Medical Council meeting held on 30th September, 2019 at 2.30 pm in Conference Room, Delhi Medical Council, New Delhi, is placed opposite for your kind perusal.


(Dr. Girish Tyagi)
Secretary, DMC


President, DMC

**Minutes of the Council meeting of the Delhi Medical Council held on 30th September, 2019 in
Conference Room of the Delhi Medical Council.**

A meeting of the Delhi Medical Council was convened on 30th September, 2019 for 2.30 pm in Conference Room of the Delhi Medical Council.

The meeting was adjourned at 2.30 pm due to lack of quorum. The meeting was reconvened at 3.00 pm.

The following were present:-

1. Dr. Arun Kumat Gupta	President
2. Dr. Ajay Gambhir	Member
3. Dr. Anil Agarwal	Member
4. Dr. Anil Kumar Mittal	Member
5. Dr. Atul Kumar Gupta	Member
6. Dr. B.L. Sherwal	Member
7. Dr. Chander Parkash	Member
8. Dr. Deepak K. Tempe	Member
9. Dr. Harish Gupta	Member
10. Dr. Kamal Kishore Parwal	Member
11. Dr. Narendra Kumar Saini	Member
12. Dr. Rani Kumar	Member
13. Dr. Satendra Singh	Member
14. Dr. Shridhar Dwivedi	Member
15. Dr. Subodh Kumar	Member
16. Dr. Prof. Vadana Roy	Member
17. Dr. Vinay Aggarwal	Member

The following member could not attend the meeting :-

1. Dr. Narinder Pal Singh	Vice-President	}
2. Dr. Anil Goyal	Member	
3. Dr. Jitendra Pal Singh Sawhney	Member	
4. Maj. General N.C. Arora	Member	
5. Dr. Nomeeta Gupta	Member	
6. Dr. Ashok Kumar	Member	

The following agenda was discussed:-

1. Minutes of the meeting held on 02nd August, 2019 and 28th August, 2019.

The minutes of the Council meeting held on 02nd August, 2019 were circulated to all the members present, for information.

Further, in regard to the minutes of the meeting held on 28th August, 2019 relating to election of one member amongst the elected members of the Delhi Medical Council in Medical Advisory Council under Clause 11(1)(e) of National Medical Commission, 2019, the President, Delhi Medical Council observed that his reservations, regarding holding of elections for a member to National Medical Commission i.e. the Council meeting, agenda and date, was fixed without his knowledge or any consultation with him; be recorded. Further, since the majority of the members present in the meeting on 28th August, 2019 were of the view that election be conducted, he consented to the same.

Dr. Harish Gupta stated that as per his knowledge, the President, Delhi Medical Council was aware of the date of elections to Medical Advisory Council of the National Medical Commission scheduled in the Delhi Medical Council on 28th August, 2019, and unfortunately, he was openly canvassing for a particular candidate.

Dr. Vinay Agarwal stated that he has observed that Council is to run as per the Statutes and not by majority.

The above observations of the President and members be recorded as part of the minutes of meeting held on 28th September, 2019

The Registrar, Delhi Medical Council informed that the letter No.V.11013/01/2019-MEP dated 9th August, 2019 from the Ministry of Health & Family Welfare; Govt. of India regarding nomination of representative of State/UT Medical Council for the National Medical Commission has been challenged before the Hon'ble High Court of Delhi in Writ Petition (C) No.9316/2019 & CM No.38410/2019 matter titled 'Dr. Anil Agarwal Vs. Union of India & Anr.'. The Registrar further informed that this matter came-up before the Hon'ble High Court of Delhi on 28th August, 2019, 29th August, 2019, 16th September, 2019, 23rd September, 2019, respectively and subsequently was disposed on 27th September, 2019 by the Hon'ble High Court of Delhi with the observation that the writ is allowed to be withdrawn with liberty to challenge the Delhi Medical Council's Election of one member to the National Medical Commission in accordance

with law. Registrar clarified that the Order dated 27th September, 2019 of the Hon'ble High Court of Delhi in the aforementioned matter, as on date is not available in the Delhi Medical Council, further, the same has still not been uploaded on the website of the High Court of Delhi.

The Registrar informed that letter dated 9th August, 2019 from the Ministry of Health & Family Welfare, Govt. of India regarding nomination of representative of State/UT Medical Council for the National Medical Commission was received in the office of the Delhi Medical Council on 13th August, 2019 through e-mail. It is further informed on 13th August, 2019 and 14th August, 2019, the office of the Delhi Medical Council were opened only for half days because of security reasons for the rehearsal of Independence Day, 2019 celebration, 15th August, 2019 was the Holiday account of Independence Day and 17th August, 2019 and 18th August, 2019 were the Saturday and Sunday (non-working days for the office of the Delhi Medical Council), respectively. It is also informed that on 19th August, 2019, a meeting of the Disciplinary Committee of the Delhi Medical Council was scheduled, so that the letter dated 9th August, 2019 from the Ministry of Health & Family Welfare, Govt. of India regarding nomination of representative of State/UT Medical Council for the National Medical Commission came in my knowledge on 20th August, 2019, hence, the notices dated 21st August, 2019 for the meeting of the Delhi Medical Council held on 28th August, 2019 regarding nomination of one member amongst the elected members of the Delhi Medical Council in Medical Advisory Council in the National Medical Commission were sent to the Council members through e-mail.

The Registrar further stated that the 28th August, 2019 meeting was scheduled due to exigency of holding the election of one member amongst the elected members of the Delhi Medical Council in Medical Advisory Council under Clause 11(1)(e) of National Medical Commission, 2019, so that the name of nominated/elected member could have been sent to the Central Government by 30th August, 2019 in terms of letter No.V.11013/01/2019-MEP dated 9th August, 2019 from the Ministry of Health & Family Welfare, Govt. of India.

2. Action taken report of minutes of the meeting held on 2nd August, 2019.

Action taken reports, which were circulated to all the members present, were approved. The same are appended herewith as annexure 'A' (colly).

3. To discuss cases of medical negligence and unethical conduct.

- (a) The Order of the Executive Committee in complaint No.2669- a representation from Police Station, Bindapur, seeking medical opinion on a complaint of Shri. Sanjay Pal, r/o- C-1/99D, Gali No. 04, Madhu Vihar, New Delhi, alleging medical negligence on the part of doctors of BM Gupta Nursing Home, H-11 to 15, Uttam Nagar, New Delhi-110059, in the treatment administered to complainant's new born baby (baby of Smt. Jyoti Pal), resulting in baby's death, was confirmed by the Delhi Medical Council.
- (b) The Order of the Executive Committee in complaint No.2816 of Shri Praveen, r/o- I-257, Prem Nagar-II, Kirari, Suleman Nagar, Sultanpuri, New Delhi-110086, alleging medical negligence on the part of Dr. Gopal Sharma of Satyabhama Hospital, RZ-10, Narsh Park, Near Pani Tanki, Najafgarh Road, Delhi-110041, in the treatment administered to complainant's son Master Yaksh Sharma, was confirmed by the Delhi Medical Council.
- (c) The Order of the Executive Committee in complaint No.2754 of Shri Sunil Kumar s/o Shri Tej Ram r/o 160, Jamia Nagar, Okhla Village, South Delhi, New Delhi, alleging medical negligence in the treatment administered to complainant at Metro Hospital, 14, Ring Road Lajpat Nagar-IV, New Delhi-110024, was confirmed by the Delhi Medical Council.
- (d) The Order of the Executive Committee in complaint No.2075 of Versha Monga, w/o Shri Vijay Monga, r/o C-27, Lajpat Nagar-I, New Delhi-110024 , alleging medical negligence on the part of doctors of Max Super Speciality Hospital, Saket, New Delhi-110017, in the treatment administered to complainant's husband Shri. Vijay Monga, resulting in his death on 07.07.2014 at Max Super Specialty Hospital, was confirmed by the Delhi Medical Council.
- (e) The Order of the Executive Committee in complaint No.2676-a representation from DCP seeking medical opinion on a complaint of Shri Satyajit Bora r/o- Flat No.2D, Rohini Apartment, G.N.B Road Chandmari, Guwahati, Assam-781003, alleging medical negligence on the part of doctors of Sir Ganga Ram Hospital in the treatment administered to complainant's mother Smt. Tagar Bora, resulting in her death on 28.06.2018, was confirmed by the Delhi Medical Council.

- (f) The Order of the Executive Committee in complaint No. 2769 of Shri Basant Kumar Tiwari, r/o- Flat No.111, Plot No.21, Sant Sunder Dass Apartment, Sector-12, Dwarka, New Delhi, alleging medical negligence on the part of doctors of Akash Hospital, Hospital Plot, Road No. 201, Sector-03, Dwarka, New Delhi-110075, in the treatment administered to complainant's father Shri. H.D. Tiwari, resulting in his death on 10.12.2018t, was confirmed by the Delhi Medical Council.

Dr. Kamal Kishore Parwal recused himself from the proceedings.

- (g) The Order of the Executive Committee in complaint No.2795 of Smt. Usha, r/o- A-336, Nehru Vihar, Delhi-110054, alleging medical negligence on the part of doctors of Sant Parmanand Hospital, 18 Sham Nath Marg, Civil Lines, Delhi-110054, in the treatment administered to complainant's brother Mr. Ravi, resulting in his death on 19.04.2019 at 110054Dr. RML Hospital, Connaught Place, New Delhi-110001, where he subsequently received treatment, was confirmed by the Delhi Medical Council.
- (h) The Order of the Executive Committee in complaint No.2840-a representation from Police Station Chandni Mahal Delhi, seeking medical opinion in respect of a complaint of Shri Kuldeep Kumar s/o Dharampal Singh r/o H. No. 2376, Gali Ravidass Wali, Bazar Sita Ram, Delhi, alleging negligence in the preparation/examination of blood test reports of complainant's son Master Vansh on the part of Delhi Path Lab 557, C.L.M. Behind Delite Cinema, Darya Ganj Road, New Delhi-110002, was confirmed by the Delhi Medical Council.
- (i) The Order of the Executive Committee in complaint No.2850- a representation from ACP/PG Cell for Dy. Commissioner of Police, Central District, Daryaganj, Delhi-110002, seeking medical opinion on a complaint of Smt. Kamini Kaushal r/o- H. No. 5131/2, Krishna Nagar, Karol Bagh, New Delhi-110005, alleging medical negligence on the part of Dr. K.L. Kalra of Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi-110060, in the treatment administered to complainant's mother Smt. Vidya Devi, was confirmed by the Delhi Medical Council.
- (j) The Order of the Executive Committee in complaint No.2858 Shri. Ikrar Ahmad r/o- House No. E-2/312, Nand Nagri, Delhi-110093 against doctors of Pushpanjali Medical Centre, was confirmed by the Delhi Medical Council.

Dr. Vinay Aggarwal recused himself from the proceedings.

- (k) The Order of the Executive Committee in complaint No.2789-a representation from Police Station Shalimar Bagh, seeking medical opinion on a complaint of Smt. Kiran w/o Late Shri Arun Kumar r/o 8346, Roshnara Road, Delhi, alleging medical negligence in the treatment of complainant's daughter Ms. Rhea at Fortis Hospital, Shalimar Bagh Delhi, resulting in her death on 6.3.2019, was confirmed by the Delhi Medical Council.

Dr. Arun Kumar Gupta recused himself from the proceedings.

- (l) The Order of the Executive Committee in complaint No.2677 of Shri Vijay Kumar Bharti r/o B-2/370 Sultanpuri, New Delhi-110086, alleging medical negligence on the part of Dr. Vinita, Dr. K. Grover and Dr. P.K. Jaggi of Delhi State Cancer Institute, Dilshad Garden, New Delhi-110095, in the treatment administered to complainant's wife Smt. Geeta, resulting in her death on 11.08.2018, was confirmed by the Delhi Medical Council.
- (m) The Order of the Executive Committee in complaint No.2590- a representation from police Station, GTB Enclave, Delhi, seeking medical opinion on a complaint of Shri. Nirmal r/o House no. 521 Kailash Nagar Gali No. 9 PS Vijay Nagar District Ghaziabad (UP), alleging medical negligence on the part of doctors of GTB Hospital, in the treatment of complainant's wife Smt. Ruby, was confirmed by the Delhi Medical Council.

Dr. Satendra Singh recused himself from the proceedings.

- (n) The Order of the Executive Committee in complaint No. 2819 of Shri Ramesh Chandra Khulbe E-7, Gali No. 3, West Vinod Nagar, Delhi-110092, alleging medical negligence on the part of Dr. Shushma Kaushik, 110 A, Kamla Nagar, Delhi-110007, in the treatment administered to the complainant's wife Smt. Tara, was confirmed by the Delhi Medical Council.
- (o) The Order of the Executive Committee in complaint No.2830 of Shri Sanjeev Bhasin, r/o- C-94, First Floor, Anand Vihar, Delhi-110092, alleging medical negligence on the part of Dr. Prateek K. Gupta of Sir Ganga Ram Hospital, in the treatment administered to complainant, was confirmed by the Delhi Medical Council.

- (p) The Order of the Executive Committee in complaint No. 2854-a representation from Police Station, Moti Nagar, Delhi, seeking medical opinion in respect of death of Shri Rahman, s/o Shri Hazi Sohrabh Ali Khan, r/o- RZ B-8/9, Arjun Park, Som Bazar road, Bilal Maszid Nagali, Dairy, Najafgarh, Delhi, allegedly due to medical negligence in the treatment administered to him at Kalra Hospital, A-4, A-5 & A-6, Tulsi Dass Kalra Marg, Kirti Nagar, New Delhi-110015, was confirmed by the Delhi Medical Council.
- (q) The Order of the Executive Committee in complaint No. 2767 of Shri Vijendra Kumar Garg, r/o- A-8, Sector-15, Noida, UP, forwarded by the Deputy Commissioner of Police, South Distt., Hauz Khas, New Delhi, alleging medical negligence and professional misconduct on the part of Dr. SKS Marya, Max Super Specialist Hospital, Saket, New Delhi, in the treatment administered to complainant, was confirmed by the Delhi Medical Council.
- (r) The Order of the Executive Committee in complaint No.2836 of Shri Randhir Singh 194 VPO Harodim Bhiwani Haryana 127318, alleging medical negligence on the part of doctors of Balaji Medical Institute A-4 Paschim Vihar, New Delhi-110063, in the treatment of complainant's father Shri Rati Ram, was confirmed by the Delhi Medical Council.
- (s) The Order of the Executive Committee in complaint No.2820-a representation from Dy. Commissioner of Police Central District Delhi, seeking medical opinion on a complaint of Shri Rajveer Harbans Sahai s/o Shri Harbans Sahai r/o 130/131, Vipin Garden Extension, Uttam Nagar, New Delhi-110059, alleging medical negligence on the part of doctors of Dr. B.L. Kapur Memorial Hospital, Pusa Road, New Delhi-110005, in the treatment of complainant's wife Smt. Meenakshi Sahai, resulting in her death on 16.2.2019, was confirmed by the Delhi Medical Council.
- (t) The Order of the Disciplinary Committee in complaint No.2024 of Shri Sushil Kumar s/o Lt. Om Prakash, r/o- 1790, Chuna Mandi, Paharganj, New Delhi, alleging medical negligence on the part of doctors of Lady Hardinge Medical College, in the treatment administered to the complainant at Lady Hardinge Medical College, C-604, Shaheed Bhagat Singh Road, Diz Area, Connaught Place, New Delhi-110001, was taken up for confirmation before the Delhi Medical Council.

Dr. B.L. Sherwal recused himself from the proceedings.

Whilst confirming the decision of the Disciplinary Committee, the Council observed that in the facts and circumstances of this case, the punishment of removal of name of Dr. Abhay Singhal awarded by the Disciplinary Committee from the State Medical Register of the Delhi Medical Council for period of 180 days was a bit harsh punishment and interests of justice will be served if name of Dr. Abhay Singhal is removed from the State Medical Register of the Delhi Medical Council for a period of 30 days, hence, the Council directs that the name Dr. Abhay Singhal (Delhi Medical Council Registration No.DMC/R/6630) be removed from the State Medical Register of the Delhi Medical Council for period of 30 days with a direction that he should undergo 15 hours C.M.E. (Continuing Medical Education) on the subject 'Acute Limb Ischaemia' within a period of six months and submit a compliance report to this effect to the Delhi Medical Council.

The Council further observed that in light of the gravity of the lapses committed by Dr. Azad Akhtar Siddique, the punishment of warning awarded by the Disciplinary Committee to Dr. Azad Akhtar Siddique, will not serve the interest of justice, hence, the Council directs that punishment awarded to Dr. Azad Akhtar Siddique be enhanced and name of Dr. Azad Akhtar Siddique (Delhi Medical Council Registration No.17981) be removed from State Medical Register of the Delhi Medical Council for a period of 30 days.

The Council also confirmed the punishment of warning awarded to Dr. Sneha Jha (Delhi Medical Council Registration No.DMC/R/11911) and Dr. Nitish Dev (Delhi Medical Council Registration No.80595) by the Disciplinary Committee.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

- (u) The Order of the Disciplinary Committee in complaint No.2471 of Shri Ram Baboo, s/o Late Shri Sita Ram, r/o- B-1075, Sangam Vihar, New Delhi-110080, forwarded by the Medical Council of India, alleging medical negligence on the part of Dr. Harish Kapila of Max Super Specialty Hospital, Mandir Marg, Press Enclave Road, Saket, New Delhi-110017, in the treatment administered to complainant's wife Smt. Shobha at Max Super Specialty Hospital, resulting in her death on 20.04.2017 at Batra Hospital and Medical Research Centre where she subsequently received treatment, was confirmed by the Delhi Medical Council.

The Council also confirmed the punishment of removal of name of Dr. Harish Kapila (Delhi Medical Council Registration No.3414) for a period of 30 days awarded by the Disciplinary Committee.

The Council further directed that Dr. Harish Gupta should undergo 6 hours C.M.E. (Continuing Medical Education) on the subject 'Indication and Contraindication of Meshplasty' within a period of six months and submit a compliance report to this effect to the Delhi Medical Council.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

- (v) The Order of the Disciplinary Committee in complaint No.1969- a representation from Directorate of Health Services, Govt. of NCT of Delhi, seeking investigation into complaint of Shri Ashok Kumar Gupta, r/o Sudna Gayatri, Mandir Road near Davi Mandap, Teli Patti, Maidininagar District Palaangu, Jhaarkhand, Pin Code- 822102 against Arogya Hospital, Chitra Vihar, Delhi, was confirmed by the Delhi Medical Council.

The Council also confirmed the punishment of warning awarded to Dr. Umesh Varma (Delhi Medical Council Registration No.16332) by the Disciplinary Committee.

- (w) The Order of the Disciplinary Committee in complaint No.1978 of Dr. Ranveer Singh Parmar r/o- 11/106 (G-3), 'Sanskar Sadan' Sector-03, Rajendra Nagar, Sahibabad, Ghaziabad, Uttar Pradesh, alleging medical negligence on the part of Dr. Mohit Chhabra, Dr. Anika Gupta and Dr. Abhilasha of Guru Nanak Eye Centre, Maharana Ranjeet Singh Marg, New Delhi-110002 in the treatment administered to the complainant at Guru Nanak Eye Centre, was confirmed by the Delhi Medical Council.

Dr. Deepak K. Tempe recused himself from the proceedings.

- (x) The Order of the Disciplinary Committee in complaint No.1968 of Shri Om Datt Sharma, r/o- Chamber No.C-81, C.L. Joseph Block, Tis Hazari Courts, Delhi, alleging medical negligence on the part of Dr. Angela Sehra and Dr. Seema Bhardwaj of Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi, in the treatment administered to complainant's daughter-in-law Smt. Minakshi Sharma at Maharaja Agrasen Hospital, resulting in her death on 24.10.2015, was confirmed by the Delhi Medical Council.
- (y) The Order of the Disciplinary Committee in complaint No.2491- a representation from police station Najafgarh Delhi, seeking medical opinion in respect of death of Jyoti Rani w/o Shri Yogesh alleging medical negligence in the treatment of deceased at the Satyam Hospital, 33-34, Roshan Garden, Phase-III (Near Sant Ram Ki Dairy) Najafgarh, New Delhi-110043, was confirmed by the Delhi Medical Council.

The Council also confirmed the punishment of removal of name of Dr. Gajinder Nayyar (Delhi Medical Council Registration No.36089) awarded by the Disciplinary Committee.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

- (z) The Order of the Disciplinary Committee in complaint No.2338- a representation from Police Station, Model Town, seeking medical opinion on a complaint of Shri Mithun Kumar s/o Avdhesh Shah r/o H.No. C-70, Gali No.09, Wazirabad, Village, Delhi-110084, alleging medical negligence in the treatment administered to complaint's mother Smt. Neelam Devi at Kaya Kalp Hospital, Jharod Burari, Delhi, Vinayak Hospital and Jaipur Golden Hospital resulting in her death on 14.01.2018 at Vinayak Hospital, was confirmed by the Delhi Medical Council.
- (aa) The Order of the Disciplinary Committee in complaint No.2725- a representation from Police Station, Nangloi, Delhi, seeking medical opinion regarding death of Smt. Poonam Joshi allegedly due to medical negligence, in the treatment administered to deceased at R.P. Memorial Hospital, 496, Main Najafgarh Road, Nangloi, Delhi-110041, resulting in her death on 13.07.2015 at Lady Hardinge Medical College & Smt. S.K. Hospital, New Delhi, where she subsequently received treatment, was confirmed by the Delhi Medical Council.

The Council also confirmed the punishment of removal of name of S.C. Gupta (Dr. Suresh Chand Gupta, Delhi Medical Council Registration No.10660) awarded by the Disciplinary Committee.

The Council further confirmed the punishment of warning awarded by the Disciplinary Committee to Dr. Arvind Kumar Bhutani (Delhi Medical Council Registration No.44908), and Dr. Sunita Vashist (Delhi Medical Council Registration No.68112).

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

- (bb) The Order of the Disciplinary Committee in complaint No.2610- a representation from police seeking medical opinion on a complaint of Shri Nagender Deswal s/o Shri Raj Singh C-51, Khazan Basti, Nangal Raya, New Delhi, alleging medical negligence on the part doctors of Artemis Hospital in the treatment of complainant's

wife Smt. Nirmala Devi, resulting in her death on 15.11.2017 at Medanta Hospital, where she subsequently received treatment, was confirmed by the Delhi Medical Council through majority decision.

The Council also confirmed the punishment of removal of name of Dr. Shalit Jolly (Dr. Shalit Ashok Kumar Jolly, Delhi Medical Council Registration No.25439) for a period of 30 days awarded by the Disciplinary Committee with a direction that he should undergo 10 hours of C.M.E. (Continuing Medical Education) on the subject 'Postoperative Complications of Cholecystectomy' within a period of six months and to submit a compliance report to this effect to the Delhi Medical Council awarded by the Disciplinary Committee.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

- (cc) The Order of the Disciplinary Committee in complaint No.2064 Shri Gaurav Sahni, s/o late S.K. Sahni, r/o C-4E-219, Janakpuri, New Delhi-110058, forwarded by the Medical Council of India, alleging medical negligence on the part of Dr. Atul Bhasin and Dr. R.K. Singh of B.L. Kapoor Hospital, Pusa Road, Delhi, in the treatment administered to the complainant's father late S. K. Sahni at B.L. Kapoor Hospital, resulting in his death on 09.11.2016, was confirmed by the Delhi Medical Council.
- (dd) The Order of the Disciplinary Committee in complaint No.1672 of Miss. Kiran, r/o-B-329, A.V. Nagar, All India Institute of Medical Sciences Campus, New Delhi-110049, alleging medical negligence on the part of doctors of All India Institute of Medical Sciences, Ansari Nagar, New Delhi-110029, in the treatment administered to the complainant's brother Shri Bharat Agria, resulting in his death on 31st August, 2015, was confirmed by the Disciplinary Committee alongwith the Council's observations in regard to this Order, as reflected in the minutes of the meeting held on 28th June, 2019.

The Council also confirmed the punishment of removal of name Dr Mohit Mollah (Delhi Medical Council Registration No.DMC/R/11149) for a period of 90 days awarded by the Disciplinary Committee with a direction that he should undergo 12 hours C.M.E. (Continuing Medical Education) on the subject 'Management of Simple Medical Emergencies' within a period of six months and to submit a compliance report to this effect to the Delhi Medical Council awarded by the Disciplinary Committee.

The Council further observed that the Order directing the removal of name from the State Medical Register of Delhi Medical Council shall come into effect after 30 days from the date of the Order.

This observation is to be incorporated in the final Order to be issued. The Order of the Disciplinary Committee stands modified to this extent and the modified Order is confirmed.

Dr. Subodh Kumar recused himself from the proceedings.

4. To discuss about the Minutes of the Anti Quackery Committee.

The Secretary informed that there are no minutes of the Anti-Quackery of the Delhi Medical Council on which discussion is required, as no meeting of the Anti-Quackery Committee of the Delhi Medical Council had been convened.

5. To discuss about the Minutes of the Finance Committee.

The minutes of the meeting of the Finance Committee of the Delhi Medical Council held on 24th September, 2019 (appended herewith as annexure 'B') which were circulated to the members present, were confirmed, however, Dr. Harish Gupta raised his reservations about spending of Rs.10,00,000/- for Diwali Celebrations in the Office of the Council and for distribution of gifts to the members of the Council and Staff of the Council; Dr. Arun Gupta, President, seconded Dr. Harish Gupta's views. The Council members observed that the President and the Registrar may look into this issue and authorize them to spend moderate amount, as per their discretion in this regard.

6. To discuss the development in space allotment at DMRC IT Park, Shastri Park, Metro Station.

The Secretary briefed the Council about the allotment letter received from the Delhi Metro Rail Corporation Limited (DMRC) for allotment of space of 1033 square meter for the office of the Delhi Medical Council at Ground Floor, Block-I, DMRC IT Park, Shastri Park, Metro Station, the DMRC has accepted the following three conditions :-

- (a) Lease fee was reduced to Rs.600/- sqm/month (**earlier-Rs.675/- sqm/month**).
- (b) Moratorium period i.e. rent free fit out period shall be six months from the date of handing over of the area (**earlier-three months**).
- (c) Interest fee security deposit equivalent to six months recurring lease fee (**earlier-twelve months**).

The Secretary also briefed the Council about the monthly rent payment to DMRC which comes to Rs.9,16,034/-.

The Secretary briefed the Council about the income and expenditure of the Council of previous year.

The Council took a note of the expenditure to be incurred on renovation of the above said built-up space and taking cognizance of the previous year figures of income and expenditure of the Council; decided that rent can be paid from left out income.

The Council unanimously decided that the space may be taken on rent from the DMRC.

- d) Letter was sent to 17 firms of Architects for preparation of Tender document and drawings for built up space at ground floor, Block-1 of Delhi Metro Railway Corporation IT Park, Shastri Park, Delhi.
- e) Letter was received from Delhi Metro Railway Corporation dated 29.04.2019 for physical handing over of the above area on 1st May, 2019, subsequently on 1st May, 2019 at 11:00 am. the physical handing of the above area was taken from Delhi Metro Railway Corporation and keys of the above area received from Delhi Metro Railway Corporation.
- f) The fit out guideline is also handed over by the Delhi Metro Railway Corporation to the Council. The fit out guideline is strictly adhered to while executing the fit out works, before starting the work, all the drawings are to be submitted by Delhi Medical Council for Delhi Metro Railway Corporation approval.

- g) Out of the 17 Architect firm, five Architect firms submitted their proposal for making the drawings and tender documents of the above said area
- h) On 06.05.2019 area was shown to the five Architect firms.
- i) On 16.05.2019, the Land and Building Committee of the Council, meets the representative from lowest Bidder and second lowest Bidder Architect.
- j) On 21.05.2019, the Land and Building Committee of the Council, decided that consultancy work for office interior work along with preparation of tender documents and drawings for built up space at ground floor, Block-1 of DMRC IT Park, Shastri Park, Metro Station may be given to lowest Bidder Architect firm i.e. M/S Sandeep Geeta and Associates Pvt. Ltd.
- k) On 29.05.2019, the work order for the consultancy work is issued with the approval of competent Authority and received by the Architect Firm.
- l) On 14.06.2019, the Architect firm submitted revised drawing for approval.
- m) On 21.06.2019, President of the Council approved the drawing of new office.
- n) Now the approved drawing of new office is to be sent by the Architect firm to DMRC for approval.
- o) On 3rd July, 2019 letter along with drawings as per transmittal of M/s Sandeep Geeta and Associates Pvt. Ltd. was sent to Delhi Metro Railway Corporation for approval.
- p) On 05th July, 2019 Delhi Metro Railway Corporation informed via Email 25 objections in the drawings submitted on 03rd July, 2019.
- q) On 25th July, 2019, the deficiencies as pointed by Delhi Metro Railway Corporation was fulfilled and the 25 drawings along with project report was submitted to Delhi Metro Railway Corporation for approval.
- r) On 31st July, 2019, letter was sent to Delhi Metro Railway Corporation for approval at the earliest

7) Any other item with permission of Chair.

- (a) The President, Delhi Medical Council informed the Council members regarding the letters dated 9th September, 2019 and 23rd September, 2019 of Dr. N.P. Singh, Vice-President, Delhi Medical Council and also an U.O note U.O.No.minhealth/2019/5783-84 dated 12th September, 2019 of Hon'ble Minister (Health & FW), Govt. of NCT of Delhi regarding election of one member amongst the elected members of the Delhi Medical Council in Medical Advisory Council under Clause 11(1)(e) of National Medical Commission, 2019; the President read the contents of the aforementioned letters and U.O. note.

The President informed that in reference to U.O note U.O.No.minhealth/2019/5783-84 dated 12th September, 2019 of Hon'ble Minister (Health & FW), Govt. of NCT of Delhi, he had informed the Government of NCT of Delhi that 28th August, 2019 meeting where election regarding one member amongst the elected members of the Delhi Medical Council in Medical Advisory Council under Clause 11(1)(e) of National Medical Commission, 2019, was scheduled without his knowledge or consultation regarding the date, time and the agenda of the meeting and that the Government of NCT of Delhi may take its decision on the issue raised in U.O. note.

- (b) The Registrar, Delhi Medical Council stated that with regard to Dr. N.P. Singh's letter dated 23rd September, 2019 raising issue regarding membership of Dr. Gen. N.C. Arora, Dr. Rani Kumar, Dr. Sridhar Drivedi, Dr. A.K. Mittal and Dr. B.L. Sherwal, it is informed that upon superannuation of Dr. Rani Kumar, Former Dean, North DMC Medical College, a casual vacancy had arisen in the Delhi Medical Council. The North DMC Medical College was requested to conduct an election amongst the permanent members of the teaching faculty of the North DMC Medical College. The Chief Medical Officer, North DMC Medical College intimated the name of Dr. N.K. Mohanty (Dr. Nayan Kumar Mohanty), Dean North DMC Medical College having been elected by the teaching faculty of the North DMC Medical College as the member representative to the Delhi Medical Council. The Delhi Medical Council vide letter No.DMC/H&FW/F.5/1/2017/264443 dated 11th August, 2017 requested the Department of Health & Family Welfare, Govt. of NCT of Delhi, for the publication of the name of Dr. N.K. Mohanty (Dr. Nayan Kumar Mohanty), North DMC Medical College in the Official Gazette. Subsequently, The Chief Medical Officer, North DMC Medical College intimated the name of Dr. Saudan Singh, Dean North DMC Medical College having been elected by the teaching faculty of the North DMC Medical College as the member representative to the Delhi Medical Council. The Delhi Medical Council vide letter

No.DMC/H&FW/F.5/1/2017/277825 dated 30th November, 2018 requested the Department of Health & Family Welfare, Govt. of NCT of Delhi, for the publication of the name of Dr. Sudan Singh, Dean, North DMC Medical College in the Official Gazette. The official publication, as on date, in this regard, is still awaited, in the Delhi Medical Council.

It is also stated that upon superannuation of Maj. General, N.C. Arora, Former Dean, Army College of Medical Sciences, a casual vacancy had arisen in the Delhi Medical Council. The Dean, Army College of Medical Sciences was requested to conduct an election amongst the permanent members of the teaching faculty of the Army College of Medical Sciences. The Lt. Col, Army College of Medical Sciences intimated the name of Maj. Gen. (Retd) R. Chaturvedi, Dean, Army College of Medical Sciences having been elected by the teaching faculty of the Army College of Medical Sciences as the member representative to the Delhi Medical Council. The Delhi Medical Council vide letter No.DMC/H&FW/F.5/1/2017/268014 dated 15th December, 2017 requested the Department of Health & Family Welfare, Govt. of NCT of Delhi, for the publication of the name of Maj. Gen. (Retd) R. Chaturvedi, Dean, Army College of Medical Sciences in the Official Gazette. The official publication, as on date, in this regard, is still awaited, in the Delhi Medical Council.

It is further stated that similarly upon superannuation of Dr. Shridhar Dwivedi, Former Dean/Principal, Jamia Hamdard University, a casual vacancy had arisen in the Delhi Medical Council. The Principal, Jamia Hamdard University was requested to conduct an election amongst the permanent members of the teaching faculty of the Jamia Hamdard University. The Dean/Principal, Hamdard Institute of Medical Sciences and Research (HIMSR) intimated the name of Prof. M.Y. Kharadi, Dean/Principal, Hamdard Institute of Medical Sciences and Research (HIMSR) having been elected by the teaching faculty of the Hamdard Institute of Medical Sciences and Research (HIMSR) as the member representative to the Delhi Medical Council. The Delhi Medical Council vide letter No.DMC/H&FW/F.5/1/2016/256893 dated 16th November, 2016 and subsequent reminders letter No.DMC/H&FW/F.5/1/2016/257948 dated 29th December, 2016 and No. No.DMC/H&FW/F.5/1/2017/263299 dated 10th July, 2017 requested the Department of Health & Family Welfare, Govt. of NCT of Delhi, for the publication of the name of Prof. M.Y. Kharadi, Dean/Principal, Hamdard Institute of Medical Sciences and Research (HIMSR) in the Official Gazette. The official publication, as on date, in this regard, is still awaited, in the Delhi Medical Council.

It is also stated that upon Dr. Anil Kumar Mittal, Former, Prof. & Head, Deptt. of Forensic Department, Vardhman Mahavir Medical College & Safdarjung Hospital being relieved from Vardhman Mahavir Medical College & Safdarjung Hospital, a casual vacancy had arisen in the Delhi Medical Council. The Principal, Vardhman Mahavir Medical College & Safdarjung Hospital was requested to conduct an election amongst the permanent members of the teaching faculty of the Vardhman Mahavir Medical College & Safdarjung Hospital. The Principal, Vardhman Mahavir Medical College & Safdarjung Hospital intimated the name of Dr. Manish Kumath, Professor, Forensic Medicine having been elected by the teaching faculty of the Vardhman Mahavir Medical College & Safdarjung Hospital as the member representative to the Delhi Medical Council. It is further stated that Dr. Rakesh Varma vide his representation had disputed the election conducted at Vardhman Mahavir Medical College & Safdarjung Hospital, hence, the Delhi Medical Council vide letter No.DMC/H&FW/F.5/1/2017/262136 dated 23rd May, 2017 and subsequent reminder letter No.DMC/H&FW/F.5/1/2017/263298 dated 10th July, 2017 requested the Department of Health & Family Welfare, Govt. of NCT of Delhi to determine this matter in terms of Section 3 (7) of the Delhi Medical Council Act, 1997, the contents of which are reproduced herein-below for ready reference :-

"Where any dispute arises regarding any election of a member or of the President or Vice-President, it shall be referred to the Government, and the decision of the Government shall be final".

The final determination, as on date, in this regard, has not been intimated by the Government, to the Delhi Medical Council.

As far as the Dr. B.L. Sherwal who is an elected member amongst the permanent members of the teaching faculty of the Lady Hardinge Medical College to the members of the Delhi Medical Council is concerned, it is stated that no information regarding any casual vacancy having been arisen in respect of this category has been brought to the notice of the Delhi Medical Council, as on date, by the concerned authorities, and thus, he continues to be the member of the Delhi Medical Council.

It is further stated that in terms of Sub-Section 4 of Section 4 of the Delhi Medical Council Act, 1997 which envisages that *"the term of office of an outgoing member shall, notwithstanding anything contained in sub-section (2) be deemed to extend and to expire with*

the day immediately preceding the day on which the names of the successor members are published under sub-section (1)"; Dr. Rani Kumar, Maj. General N.C. Arora, Dr. Shridhar Dwivedi and Dr. Anil Kumar Mittal continuous to be the member of the Delhi Medical Council.

- (c) With regard to Dr. N.P. Singh's letter dated 9th September, 2019, Dr. Harish Gupta stated that the issues raised in the letter were similar to those raised in rejoinder in the Writ Petition (C) No.9316/2019 & CM No.38410/2019 matter titled 'Dr. Anil Agarwal Vs. Union of India & Anr.' and that the writ has been disposed by the Hon'ble High Court of Delhi with the observation that the writ is allowed to be withdrawn with liberty to challenge the Delhi Medical Council's Election of one member to the National Medical Commission in accordance with law.
- (d) Dr. Subodh Kumar, Chairman, Disciplinary Committee of the Delhi Medical Council observed that inspite of repeated reminders with regard to non-participation of Eminent Publicman in the meeting of the Disciplinary Committee; the Govt. of NCT of Delhi has not substituted Dr. Sanjay Aggarwal.

The President directed that this matter be again sent to the Govt. of NCT of Delhi with a request to do needful, at the earliest.

- (e) Dr. Subodh Kumar also requested that in regard to C.M.E. (Continuing Medical Education) programmes being accredited by the Delhi Medical Council, the talk on Ethical issue may be allowed to be presented by any person who is competent to do so and he may not necessarily be a member of the Council.

The Council unanimously agreed to his suggestion.

Meeting ended with vote of thanks to the Chair.


(Dr. Girish Tyagi)
Secretary

Action taken report in terms of the minutes of the Council meeting of the Delhi Medical Council held on 02nd August, 2019 in Conference Room.

Delhi Medical Council

SNo	Agenda Item	Action taken
1	Minutes of the meeting held on 28 th June, 2019	Approved.
2	Action taken report of minutes of the meeting held on 28 th June, 2019	Approved.
3.	To discuss cases of medical negligence and unethical conduct.	Order in Complaint No. 2578,2688,2276,2782,2744,2609,2758,2552,1996,2490,2385,1788,2111,2586,2002 of the Disciplinary Committee & Executive Committee have been communicated to the concerned parties .
4	To discuss about the Minutes of the Anti Quackery Committee.	
5	To discuss about the Minutes of the Finance Committee	Confirmed
6	To discuss the development in space allotment at DMRC IT Park, Shastri Park, Metro Station	25 drawings along with project report was submitted to Delhi Metro Railway Corporation for approval and this matter is under consideration with DMRC.
5	Any other item with permission of Chair 1. The Order of the Disciplinary Committee in complaint No.1672 of Miss. Kiran, r/o- B-329, A.V. Nagar, All India Institute of Medical Sciences Campus, New Delhi-110049, alleging medical negligence on the part of doctors of All India Institute of Medical Sciences, Ansari Nagar, New Delhi-110029, in the treatment administered to the complainant's brother Shri Bharat Agria, resulting in his death on 31st August, 2015, could not be taken up for deliberations before the Delhi Medical Council due to paucity of time; to come up for deliberations in next Council meeting	matter be taken up for deliberations in next council meeting


(Dr. Girish Tyagi)
Secretary