

June 24, 2014

Dr Harsh Vardhan,
Minister for Health & Family Welfare,
Nirman Bhavan,
New Delh-110 011

Dear Dr Harsh Vardhan,

May I congratulate you on your taking over the responsibility of Health Minister. I have been reading in the Press of your expressions of concern regarding the state of affairs in the Medical Council of India. Unfortunately, even after the period of so-called restructuring, followed by the election of a new Board there is no improvement, on the contrary, the MCI has taken certain steps which dilute if not violate their responsibility to maintain high ethical standards by medical practitioners.

The stand of the MCI that it has no jurisdiction to take action against unethical practices by a professional association of doctors will end up as a licence for such practices. This untenable position has been taken in one particular case, but since it has wider ramifications I request your intervention. It was raised in Parliament and I personally had also written to the then Health Minister as well as to the MCI about the issue.

The MCI has overturned the decision of the previous MCI to suspend the licenses of four registered medical practitioners for gross violation of ethical standards. The reason given is that the four were acting in their capacity as IMA office bearers and since the MCI has no jurisdiction over the IMA, any action against the four is outside of their jurisdiction. This perverse logic would imply that if a group of doctors has the power within any professional organization to use the name of that organization for unethical practices, the MCI will not take any note of it. It is also significant that it is mandatory for any doctor to be a member of a professional organization. Thus while the MCI mandates membership, it washes its hand off any wrong doing by an organization. This you will agree t is a license for unethical practices by doctors who can capture an association. This untenable stand came up in the course of an individual case and since it has much wider ramifications than the persons concerned, I had raised the issue in parliament and also written to the former Health Minister.

The case is that a group of doctors, who held important positions in the IMA had indulged in the practice of cash for endorsements for commercial products. An MOU was signed between this group of doctors in the name of the Indian Medical

Association and Pepsico for endorsement of their products Quaker-oats and Tropicana on the payment of 1.56 crore rupees.

This was brought to the notice of the MCI by a whistle blower, Dr. K. V.Babu. In 2010 November, the MCI declared that, the endorsements were illegal and the doctors licenses were suspended for a period of time.

However the matter did not end there. Shockingly since he made the complaint Dr Babu was victimized IMA decided to expel him from IMA. After he complained against this injustice, his complaint was heard by the MCI Ethics Committee. They found that the four RMP's who issued show cause notices to Dr KV Babu & harassed him, were guilty of Professional Misconduct and recommended removal of their names from the Indian Medical Register for a year. This decision was taken in June 2013.

However the new board of the MCI overturned this decision of the Ethics Committee.

In a surprising move the MCI Deputy Secretary, Ashok Kumar Harit, wrote to the Secretary, Ministry of Health on 03/06/2014, since “ Indian Medical Association does not come under the purview of MCI, it is neither open nor permissible for the MCI to make any comment as to why show cause was made against Dr KV Babu by IMA” !

There is no “diplomatic immunity” for the office bearers of a professional association of doctors ,for a Professional Misconduct, committed on behalf of the association, in terms of MCI ethics regulations 1.1.2 & 8.1. If the ill conceived argument by the MCI is accepted, a situation will arise, where the law breakers & harrassers acting in concert in the name of an association are exonerated and the whistleblower doctor will be punished

It is clear that, the MCI is not complying with the provisions of the IMC Act 1956 & hence I request you to look into the matter and intervene in the interests of ensuring that the MCI does not violate its mandate to maintain high ethical standards.

With regards,

Yours Sincerely,

Brinda Karat