

Status as on 01 Nov 2017

Registration Number : DHLTH/E/2017/05711

Name Of Complainant : Dr ROHIT JAIN

Date of Receipt : 14 Sep 2017

Received by : Department of Health & Family Welfare

Forwarded to : Health and Family Welfare

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Grievance Description

1. Please refer to the letter No. DPGI - 4/17/571-622 DATED 27/7/2017 signed by Dr. Jagat Ram, Director PGIMER Chandigarh addressed to all the heads of the Departments saying that the contents of MCI letter No. MCI 211(2)(Gen.)/2014 Ethics/118642 dated June 14, 2017 ARE NOT DIRECTLY APPLICABLE TO THE POSTGRADUATE INSTITUTE OF MEDICAL EDUCATION and RESEARCH (PGIMER), Chandigarh, as the PGIMER, CHANDIGARH IS AN AUTONOMOUS BODY. ALL THE FACULTY MEMBERS WHETHER MBBS/MD or PhD DEGREE HOLDERS PERFORMING ANY MEDICAL TEST, INTERPRETING THOSE TESTS ARE ELIGIBLE TO REPORT (pdf attached) This letter No. DPGI - 4/17/571-622 DATED 27/7/2017 signed by Dr. Jagat Ram, Director PGIMER Chandigarh is NOT IN COMPLIANCE with a) MOHFW letter No. V.11025/01/2016 MEP(Pt.VI) dated 26th December, 2016 signed by Shri Amit Biswas, Undersecretary to Govt. of India which says " ATTENTION IS INVITED TOWARDS CLAUSE (b) OF SUB-SECTION (2) OF SECTION 15 OF IMC ACT 1956 WHICH INTERALIA PROVIDES NO PERSON OTHER THAN A DOCTOR HAVING QUALIFICATION RECOGNIZED BY MEDICAL COUNCIL OF INDIA and REGISTERED WITH MEDICAL COUNCIL OF INDIA/STATE MEDICAL COUNCIL(S) IS ALLOWED TO PRACTICE MODERN SYSTEM OF MEDICINE OR SURGERY OR SIGN A CLINICAL LABORATORY REPORT. ALSO, CLAUSE 5.5 IN THE CLINICAL ESTABLISHMENT ACT STANDARDS FOR MEDICAL (CLINICAL) LABORATORY (CEA/LABORATORY -026) SAYS THAT PERSON SIGNING AND INTERPRETING THE REPORT SHALL BE REGISTERED WITH MEDICAL COUNCIL OF INDIA / STATE MEDICAL COUNCIL" b) Clinical Establishment (Registrations and Regulations) Act, 2010 Clause 5.5 CEA 026. c) Supreme court of India Judgment 1996 AIR 2073, JT 1996(1) 634 WHICH SAYS " THE BASIC QUALIFICATION OF M.B.B.S. AS PRIMARY QUALIFICATION IS A PRE-CONDITION FOR A CANDIDATE FOR BEING REGISTERED IN THE STATE MEDICAL REGISTER MAINTAINED BY THE STATE BOARD. M.Sc. CANNOT BE CONSIDERED TO BE BASIC QUALIFICATION FOR

PRACTISING AS A MEDICAL PRACTITIONER” d) clause 1.1.3 of the Indian Medical Council(Professional conduct, etiquette and ethics) Regulations, 2002 which says “ NO PERSON OTHER THAN A DOCTOR HAVING QUALIFICATION RECOGNIZED BY MEDICAL COUNCIL OF INDIA and REGISTERED WITH MEDICAL COUNCIL OF INDIA/STATE MEDICAL COUNCIL(S) IS ALLOWED TO PRACTICE MODERN SYSTEM OF MEDICINE OR SURGERY. A PERSON OBTAINING QUALIFICATION IN ANY OTHER SYSTEM OF MEDICINE IS NOT ALLOWED TO PRACTICE MODERN SYSTEM OF MEDICINE IN ANY FORM” 2. PGIMER, Chandigarh being an autonomous body, is allowing NON MBBS PERSONS TO INTERPRET AND SIGN the CLINICAL LABORATORY REPORT which against the law of Land and though being an Institute of National and International repute is PLAYING WITH THE LIVES OF THOSE PATIENTS WHO COME TO PGIMER , CHANDIGARH to avail best of the treatment in the country in this era of evidence based medicine. RELIEF SOUGHT: (1). A strict action is warranted against PGIMER, Chandigarh for such an order violating the IMC ACT 1956, Clinical Establishment (Registrations and Regulations) Act, 2010, Contempt of Supreme court of India Judgment 1996 AIR 2073, JT 1996(1) 634 and SUBSECTION (3) OF SECTION 15 OF IMC ACT 1956 – ANY PERSON WHO ACTS IN CONTRAVENTION OF ANY PROVISION OF SUBSECTION (2) OF SECTION 15 OF THE IMC ACT 1956 SHALL BE PUNISHED WITH IMPRISONMENT FOR A TERM WHICH MAY EXTEND TO ONE YEAR , OR WITH FINE WHICH MAY EXTEND TO 1000 RUPEES OR WITH BOTH. (2). Letter No. DPGI - 4/17/571-622 DATED 27/7/2017 signed by Dr. Jagat Ram, Director PGIMER Chandigarh must be WITHDRAWN WITH IMMEDIATE EFFECT IN THE INTEREST OF HEALTH OF THE PUBLIC OF THE REPUBLIC OF INDIA and MCI letter No. MCI 211(2)(Gen.)/2014 Ethics/118642 dated June 14, 2017 IMPLEMENTED.

Current  
Status

: CASE CLOSED

Date of  
Action

: 01 Nov 2017

Details

: Reply to RTI application has been given. However, in view of Hon'ble Delhi High Court's latest order, the said order has been withdrawn.