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Dated: 06/03/2014

To,

Shri Ghulam Nabi Azad,
Hon. Minister for Health and Family Welfare,
Govt. of India,
New Delhi

Subject: Request for appropriate response by the MOHFW to the illogical and distorted manner in which Medical Council of India is seeking to interpret clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

Respected Shri Ghulam Nabi Azad,

We, the undersigned, representing the Jan Swasthya Abhiyan (JSA), the All India Drug Action Network (AIDAN), the Medico Friends Circle (MFC) and the Indian Journal of Medical Ethics (IJME), would like to bring to your notice the need for a prompt and appropriate response by MOHFW to the tendentious and distorted manner in which the Medical Council of India (MCI) has recently sought to interpret clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. The above organizations represent nationwide coalitions of social organizations, health professionals and academia working for people's health rights, equitable access to essential medicines, and the upholding of ethical norms and values by the medical community.

As you would be aware, in the recent meeting of the Executive Committee of the Medical Council of India on 18th February 2014, it was decided to interpret clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 in a manner that would exempt 'Professional Associations of Doctors' from the purview of the Medical Ethics committee of MCI. It should be noted that amendment 6.8 of Ethics regulations was added in December 2009, following the widespread misuse of the loopholes in Ethics regulation 2002 by professional associations of doctors, including the Indian Medical Association. It is logically untenable and highly objectionable that the MCI should exclude associations of medical professionals from the ethical standards that are expected of individual doctors.

It is surprising that this amendment was not demanded of MCI by any professional association of doctors, neither did any court direct them to do so. This decision, as suggested by the minutes of the above-mentioned Executive Committee meeting, was purportedly linked to the 'the proceedings of a case filed by Max Hospitals in Delhi High Court in 2013', which actually bears no substantive relationship to the decision that was taken. While the MCI Executive Committee's linking of 'Max Hospitals vs. MCI case' with its decision is quite bereft of any conceivable rationale, ***MCI's move to abdicate its own responsibility to regulate the ethical conduct of professional associations of doctors is nothing short of being grossly irresponsible.*** We cannot conceive how an action that is ethically impermissible for an

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individual doctor can become permissible if a group of doctors carry out the same action in form of an association. It may be emphasised that the Code of Medical Ethics was amended in 2009 by specifically adding the section "6.8 code of conduct for doctors **and professional association of doctors** in their relationship with pharmaceutical and allied health sector industry" (emphasis added), to bring professional associations of doctors, in addition to the individual medical practitioners, under the jurisdiction of ethical regulation by MCI.

It is notable that specific punitive actions against office bearers of Indian Medical Association (IMA) are currently pending with the ethics committee of MCI, particularly related to the contract signed between IMA and PepsiCo foods in 2008, wherein IMA had agreed to publicly endorse certain PepsiCo products. We appreciate that you personally had made a statement in the Lok Sabha in November, 2010 in which you had declared that action would be taken by MCI against the office bearers of IMA, due to their illegal and unethical endorsement of PepsiCo products. Given this context, the recent biased interpretation of the Code of medical ethics by MCI, which would exonerate IMA of all responsibility for its grossly unethical actions, poses extremely serious questions regarding the underlying motives of MCI executive members while taking the said decision.

In this context, speaking on behalf of ordinary citizens and ethical health professionals, the undersigned organisations would like to strongly suggest that the Union Ministry of Health and Family Welfare should take urgent action in context of the retrograde and ill conceived move by the Medical Council of India, to prevent the proposed misinterpretation of clause 6.8 of MCI regulation, 2002 which seeks to exempt professional associations of doctors from the purview of ethics regulation by MCI. This is necessary to protect ordinary people from the consequences of unethical actions by professional medical associations like IMA, and to give a strong public message that promotion of the health rights of ordinary people would override the narrow commercialised interests of certain associations of medical professionals.

Looking forward to appropriate action by your office,

Yours Sincerely,

Sd/-
Dr. Abhay Shukla
(**Jan Swasthya Abhiyan**)
Medical Ethics)

Sd/-
Dr. Amar Jesani
(Editor, **Indian Journal of**

Sd/-
Dr. Gopal Dabade
(**All India Drug Action Network**)

Sd/-
Dr. Sunil Kaul
(**Medico Friends Circle**)