DMC/DC/F.14/Comp.2852/2/2020/ 13th March, 2020

**O R D E R**

The Delhi Medical Council through its Disciplinary Committee examined a representation (No. 1468/SHO/Raj Park, dated 17.07.2019) from the Police Station Raj Park, New Delhi, seeking medical opinion in regard to death of Shri Pradeep, allegedly due to medical negligence in the treatment administered at Mumtaz Clinic, Q-4/42, Mangolpuri, Delhi, resulting in his death on 19.09.2018 at Safdarjung Hospital where he subsequently received treatment.

The Order of the Disciplinary Committee dated 17th February, 2020 is reproduced herein-below:-

The Disciplinary Committee of the Delhi Medical Council examined a representation (No. 1468/SHO/Raj Park, dated 17.07.2019) from the Police Station Raj Park, New Delhi, seeking medical opinion in regard to death of Shri Pradeep (referred hereinafter as the patient), allegedly due to medical negligence in the treatment administered at Mumtaz Clinic, Q-4/42, Mangolpuri, Delhi, resulting in his death on 19.09.2018 at Safdarjung Hospital where he subsequently received treatment.

The Disciplinary Committee perused the representation from Police, Post mortem report No.803/2018 dated 21.09.2018, final opinion as to cause of death in respect of post mortem report No. 803/2018, copy of medical records of Mumtaz Clinic, Safdarjung Hospital and other documents submitted therewith, written statement of Dr. Iqbal Hussain and other documents on record.

The following were heard in person :-

1. Shri Hiramani Brother of the deceased
2. Shri Gauri Lal Father-in-Law
3. ASI Rakesh Kumar I.O., Police Station Mangol Puri
4. Dr. Iqbal Hussain B.U.M.S., Mumtaz Clinic
5. Shri S.C. Mishra Family Friend of Dr. Iqbal Hussain

Shri Hiramani brother of the deceased Pradeep presented himself before the Disciplinary Committee on behalf of Shri Chintamani.

Shri Hiramani stated that the deceased his brother Pradeep, 28 years old went to Mumtaz Clinic due to fever and cough on 15th September, 2018. Dr. Iqbal Hussain gave his brother an injection and some tablets but there was no improvement in his brother health and his brother’s condition became worse. His brother again visited the same clinic and the doctor gave him another injection. Due to injection, the feet of his brother got swollen. Subsequently, he took his brother to Sanjay Gandhi Memorial Hospital in the night of 17th September, 2018 where in the casualty of Sanjay Gandhi Memorial Hospital after prescribing some medicines, his brother was asked to report to the OPD of the Sanjay Gandhi Memorial Hospital. His brother again visited Sanjay Gandhi Memorial Hospital on 18th September, 2018. His brother was prescribed some pain killers and cream (Sumag). Later, his brother was admitted in Safdarjung Hospital on 18th September, 2019. During the treatment, the doctors advised to amputate his leg to save his life but his brother expired during the treatment even after amputation of his leg. He further alleged that his brother died because of medical negligence on the part of Iqbal Hussain and strict action be taken against Dr. Iqbal Hussain.

It is noted that the police in its representation has averred that a PCR call vide DD No.56A, dated 19-09-18 regarding one person died due to negligence of doctor of Mumtaz Clinic, Q-4/42, Mangolpuri, Delhi on 19th September, 2018. During the enquiry, it was found that the deceased namely Pradeep s/o Chintamani r/o Q-6/104, Mangolpuri, Delhi aged 28 years went to Mumtaz Clinic due to fever and cough on 15th September, 2018. Dr. Iqbal Hussain gave him an injection and some tablets but there was no improvement in his health and his condition became worse. He again visited the same clinic and the doctor gave him another injection. Due to injection, the feet of the deceased got swollen. Later, the deceased was admitted in Safdarjung Hospital on 17th September, 2018. During the treatment, the doctors advised to cut his leg to save his life but the deceased expired during the treatment even after cutting his leg.

Dr. Iqbal Hussain in his written statement averred that he is a qualified practitioner and practicing in unani medicine for the last thirty years approximately as on date. He has done his graduation i.e. B.U.M.S. from A & U Tibbia College, Delhi, University of Delhi 1983-89 batch and duly registered with the Delhi Bhartiya Chikista Parishad vide registration No.DBCP/OU/6516. He has successfully done his two years of clinical training from Hindu Rao Hospital as part of his curriculum as per CCIM in the year 1986-87 and 1987-88. He had also successfully completed his internship from A & U Tibbia College Hospital, Delhi in various branches of Unani Medicine and Surgery. As a result of his medical education and training, he now has the clinical experience of around 30 years in managing variety of the patients through unani medicines. It is to bring into the notice of the Delhi Medical Council and attention that since he is not registered with the Delhi Medical Council, the Delhi Medical Council has no jurisdiction and discretion to send him the above mentioned notice and seek any reply or explanation from him. It is again to bring into the notice of the Delhi Medical Council and attention that he is practicing integrated medicine, as envisaged in the DBCP Act. However, he is submitting his reply for needful for the Delhi Medical Council. It is once again reiterated that he practices, dispense and prescribes unani medicine. The allegation made by the complainant against him is false, incorrect and vague and driven by malafide intentions. It is to make amply clear that no such patient in the name of Pradeep has ever visited him with any type of complaint or for the treatment on 15th July, as alleged. Though as per his records, he has seen one patient by the name of Pradeep on 17th September, 2019 with the complaints of pain abdomen and was prescribed symptomatic oral medication but whether it is the same alleged patient is largely impugned. He specifically and vehemently denies that he had administered any injection to the patient as alleged. Moreover, the undated prescription, as submitted by the complainant has not been prescribed by him, as in his unani practice, he notes down the prescription in his register with relevant entry. It seems that the complainant has ill motives and intentions to harass, humiliate blackmail and tarnish his image. With due regards to the learned members of the Delhi Medical Council, he wishes to state that, in light of the above mentioned facts and circumstances and considering the whole scenario of the incidence, he owes no responsibility/liability towards the unfortunate incidence.

In view of the above, the Disciplinary Committee makes the following observations :-

1. It is noted that the patient Shri Pradeep aged 28 years, consulted Maumtaz Clinic on 15th September, 2018 for complaints of fever and backache. As per prescription, he was prescribed injection Diclo, tablet Ibu, tablet Diclo, two other medicines and injection Voveran. Dr. Iqbal Hussain denies examining the patient on 15th September, 2018 or prescribing any medicine or injection but acknowledges that he did examine the patient Shri Pradeep on 17th September, 2018. It seems that the patient visited Sanjay Gandhi Memorial Hospital on 18th September, 2018 with complaints of lower backache, pain at the injection site, when he was noted on local examination to have mild tenderness redness -, no local rise of temperature, no history of trauma, no history of instrumentation. He was prescribed medication and referred to main casualty. The Senior Resident surgery noted injection site swelling, unformed. Multiple large bore, needle aspiration was tried - no pus was noted, no fluctuation, tenderness + +, redness +. He advised hot fermentation, sumag L/A and other medication for seven days and asked to follow-up once fluctuation / localized swelling.

The patient, thereafter, presented to surgical emergency of Safdarjung Hospital on 18th September, 2018 at 6.10 p.m. with complaints of pain and blistering in Rt lower limb extending over the abdomen. The patient gave history of I.M injections over Right gluteal region, with history of no- comorbidities. On examination, the patient was conscious with PR-125/mm and B.P. 101/74. On local examination blistering was noted in Rt lower limb with edema and crepitus. Diagnoses of gas gangrene was made and immediately resuscitation started with higher antibiotics, IV fluids, IV anti-gas gangrene antibiotics. In view of poor general condition, release incision was given under local anaesthesia. Necrosed muscles was noted with air bubbles popping out through the subcutaneous plane, but the patient deteriorated and went into hypotension which was resuscitated with IV fluids and intropic support. The patient was planned for emergency life saving surgery and orthopaedic consultation was sought and planned for R hip disarticulation. Intra-operatively, necrotic skin and subcutaneous tissue alonwith blisters present over entire Rt. lower limb, underlying muscles were unhealthy, for which, he underwent Right hip disarticulation, but the patient went into cardiopulmonary arrest on table and was resuscitated with CPR and shifted to recovery room, however, the patient’s condition did not improve and went into cardiopulmonary arrest. CPR was initiated and continued for thirty minutes, the patient could not be revived and was declared dead on 19th November, 2018 at 1.05 a.m.

The cause of death as per the subsequent opinion dated 30th May, 2019 in respect of post-mortem report No.803/2018 was death due to septicemia in a surgically amputated case of gas gangrene involving right lower limb.

1. It is observed that Dr. Iqbal Hussain by denying seeing the patient on 15th September, 2018, even though the same is on the letter head of Mumtaz Clilnic is trying to mislead the Disciplinary Committee with objective of wriggling out of the criminal proceedings. There is nothing on record to question the authenticity of prescription dated 15th September, 2018 of Mumtaz Clinic. It is pertinent to note the admission of Dr. Iqbal Hussain that he did see the patient Shri Pradeep on 17th September, 2018.
2. It is also observed that the medicines namely injection Diclo, tablet Ibu, tablet Diclo and injection Voveran are allopathic medicines, which can be prescribed by a person, in NCT of Delhi, who holds recognized medical qualification as per Schedules First, Second or Third to Indian Medical Council Act, 1956 and duly registered with Delhi Medical Council. Dr. Iqbal Hussain is neither holder of recognized medical qualification, as per Schedule I, II, III of Indian Medical Council Act, 1956 nor registered with the Delhi Medical Council.

The Supreme Court of India in the matter titled Poonam Verma Vs. Ashwin Patel and Ors. (AIR 1996 SC 2111), has held that “A person who does not have knowledge of a particular system of medicine but practices in that system is a Quack and a mere pretender to medical knowledge or skill or to put it differently a charlatan.”

The Supreme Court of India in Dr. Mukhtiar Chand & Ors.Vs.State of Punjab & Ors. (JT 1998 (7) SC 78) has held that “A harmonious reading of Section 15 of 1956 Act (Indian Medical Council Act) and Section 17 of 1970 Act (Indian Medicine Central Council Act) leads to the conclusion that there is no scope for a person enrolled on the State Register of Indian medicine or Central Register of India Medicine to practise modern scientific medicine in any of its branches unless that person is also enrolled on a State Medical Register within the meaning of 1956 Act.”

The same was reaffirmed by Supreme Court in Civil Appeal No. 3541 of 2002 titled Martin F.D’Souza Vs. Mohd. Ishfaq, where it as held that “a professional may be held liable for negligence on the ground that he was not possessed of the requisite skill which he professes to have. Thus a doctor who has a qualification in Ayurvedic or homeopathic medicine will be liable if he prescribes allopathic treatment which causes some harm.”

1. It is further observed that there is nothing on record to attribute the infection of the leg (gas gangrene) to the injections given to the patient. As far as the treatment of the patient at Sanjay Gandhi Memorial Hospital and Safdarjung Hospital is concerned, standard practices in such cases were followed and proper treatment instituted. The patient probably died because of severe sepsis which could not be reversed by the treatment given.

Matter stands disposed.

Sd/: Sd/:

(Dr. Subodh Kumar) (Dr. Ashwini Dalmiya)

Chairman, Delhi Medical Association,

Disciplinary Committee Member,

Disciplinary Committee

Sd/:

(Dr. U.C. Biswal)

Expert Member,

Disciplinary Committee

The Order of the Disciplinary Committee dated 17th February, 2020 was confirmed by the Delhi Medical Council in its meeting held on 28th February, 2020.

By the Order & in the name

of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:-

1. Shri Chintamani, Through S.H.O. Police Station Raj Park, New Delhi-110086-w.r.t. D.D.No.56A dated 19-9-18 U/s 174 CrPc P.S. Mangol Puri, Delhi**-(with a request to this Order upon Shri Chintamani)**
2. Dr. Iqbal Hussain, Mumtaz Clinic, Q-4/42, Mangol Puri, Delhi-110083.
3. S.H.O. Police Station Raj Park, New Delhi-110086-w.r.t. D.D.No.56A dated 19-9-18 U/s 174 CrPc P.S. Mangol Puri, Delhi-**for information**.

(Dr. Girish Tyagi)

Secretary